



New York Farm Bureau

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MEMORANDUM OF OPPOSITION

Senate Bill 7638-A (Senator Hinchey)

**AN ACT TO AMEND THE GENERAL MUNICIPAL LAW, IN RELATION TO THE
AWARDING OF CERTAIN PURCHASE CONTRACTS**

Date: 5/27/2025

New York Farm Bureau (NYFB), the state's largest agricultural advocacy organization, would like to express its opposition to this legislation. This legislation would allow municipalities to give procurement preference to products that meet one of multiple standards: local economies, environmental resilience, racial equity, valued workforce, valued agricultural sector, animal welfare, and nutrition if that bid is not more than 10 percent higher than the lowest responsible bidder. While we appreciate the sponsor making some changes to include the Grown and Certified program as part of "local economies" and the Climate Resilient Farming Program to "environmental resilience," we are still opposed.

This bill establishes preferences in state law that don't reflect regulated production methods. NYFB has serious concerns with the preference language in the environmental sustainability, animal welfare, nutrition, and valued workforce standards. With the current requirements in New York labor laws regarding collective bargains and unions, New York farms are already required to meet the standards in the valued workforce description and should not be required to have a labor peace agreement, worker-led committees, and worker-owned cooperatives to meet that standard.

Many farms are doing the practices listed in the environmental sustainability standard, but the bill language, which allows farmers to meet the standard by doing one or more of the practices, would leave open the option to the procurer to favor certain practices over others. The bill language should be amended to specifically state that the procurer must accept any of the practices listed and cannot require a farmer to meet a specific practice to meet the standard.

To meet the animal welfare standard, the farm would have to "provide more humane care for farmed animals," which is a very vague standard as no specifics are included as to what is "enough space" and other qualifying phrases. Additionally, just because a farm is not enrolled in an "independent animal welfare certification program" does not mean a farm is not caring for their animals properly. There are many farms that incorporate the animal welfare practices listed in that standard but are not enrolled in a certification program, and farms should not be required to do so in order to meet this standard.

The nutrition standard includes fresh fruits and vegetables, whole grains, fish, and lean animal proteins, but it does not give preference to nutritious dairy products, such as whole milk, yogurt, and cheese. This standard needs to include all nutrient-dense foods that are essential to a healthy diet, including dairy products.

The standards for procurement should only reflect current state and federal regulations. Why require New York farmers to implement practices that are not required in state and federal law in order to meet these standards and receive procurement preference? This legislation comes from the Center for Good Food Purchasing and New York based affiliate groups, which have not worked with New York Farm Bureau or American Farm Bureau Federation to ensure that this legislation reflects current food production methods. Currently, a handful of U.S. cities and school districts have adopted these standards as guidance for food procurement, but no state has changed state procurement law to preference products that meet these standards. No other state has amended procurement law to preference food produced in other states.

NYFB also has concerns regarding how these standards will be evaluated by municipalities. Some municipalities will not have the resources or understanding of agricultural practices to evaluate products and establish criteria for these standards. Similar to the evaluation of products for the Grown and Certified program, NYFB requests that the Department of Agriculture and Markets establishes the criteria by which farm products are evaluated for these standards and work with municipalities to evaluate products for procurement preference.

Additionally, as noted by the Governor in her veto message of this bill last December, as written, this bill could lead to different standards being applied across localities making it difficult for farmers. If we want to preference locally grown food, let's use already existing programs and requirements only, like Grown and Certified included in the bill, instead of vague requirements that could be interpreted in various ways by different municipalities.

While NYFB supports eliminating barriers to the procurement of more New York farm products, it is imperative that state law does not contain language that preferences out-of-state products or a certain method of producing farm products that differs from state and federal regulation. NYFB requests that this legislation be amended to provide procurement preferences for New York farm products without statutory judgement of established and regulated production methods.

For these reasons, New York Farm Bureau respectfully requests your opposition of this legislation.