

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONTRACTS

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February 28, 2011
Start: 1:19 pm
Recess: 3:16 pm

HELD AT: Committee Room
250 Broadway, 14th Floor

B E F O R E:
DARLENE MEALY
Chairperson

COUNCIL MEMBERS:
Darlene Mealy
Robert Jackson
Letitia James
Melissa Mark-Viverito
Michael C. Nelson
Gale A. Brewer
Deborah Rose

A P P E A R A N C E S

Jake Luce
Deputy Chief of Staff
NYC Mayor's Office of Contract Services

Maria Osorio
Senior Environmental Analyst
NYC Mayor's Office of Contract Services

Christina Grace
Manager
Urban Food Systems
New York State Department of Agriculture and Markets

Hannah Geller
America Farmland Trust

Triada Stampas
Director of Government Relations
Food Bank for New York City

Thomas Forster
Policy Adviser
School Food FOCUS

Mark Izeman
Senior Attorney
Director of the New York Program
Natural Resources Defense Council

Kenneth Jaffe
Owner/Operator
Slope Farms

James Subudhi
Environmental Policy and Advocacy Coordinator
WE ACT for Environmental Justice

A P P E A R A N C E S (CONTINUED)

Arden Down
Chair
Environment and Infrastructure Committee
Women's City Club of New York

Ken Diamondstone
Chair
Brooklyn Solid Waste Advisory Board

Bonnie Betancourt
Plastics Division
American Chemistry Council

Hilary Baum
Founding Member
Food Systems Network NYC

Paula Segal
Law Student
City university of New York Law School

Hannah Bernhardt
The Greenhorns
Young Farmers Coalition

Daniel Bowman Simon
Peoples Garden NYC

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2 CHAIRPERSON MEALY: Good afternoon
3 everyone. My name is Darlene Mealy. I serve as
4 the Chair of the New York City Council Committee
5 on Contracts. It is my pleasure to welcome to
6 this hearing today to discuss Introductions and
7 two Resolutions concerning the procurement of
8 local food and the reduction of packaging
9 materials for food and other goods, Introductions
10 452 and 461 and Resolution 627 and 627.

11 Thank you all for attending.
12 Before we proceed, I would like to recognize our
13 Committee on Contracts' counsel Ms. Shannon
14 Manigault and our Policy Analyst Tym Matusov.
15 Thank you for being here helping me. Now, I'd
16 like to introduce my colleagues, Ms. Gale Brewer,
17 Mr. Robert Jackson and Debi Rose from Staten
18 Island, to today's committee. Thank you.

19 I would like to also recognize the
20 sponsors of today's legislation: Council Member
21 Gale Brewer, sponsor of Intro 452, Council Member
22 Annabel Palma, sponsor of Intro 461. She's not
23 going to be here today. Council Member Debi Rose,
24 sponsor of Reso 627.

25 Last November, Council Speaker

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2 Christine Quinn released FoodWorks, a
3 comprehensive plan that set forth a vision for a
4 more sustainable food system in New York City.
5 With FoodWorks, Speaker Quinn offered a program of
6 reforming, addressing the agriculture, production,
7 processing distributing and consumption of food as
8 well as post-consumption opportunities to reduce
9 waste.

10 Today, we will discuss four pieces
11 of legislation--I believe just two--arising from
12 this vision that bear on city procurement. Intro
13 452 would require the city to establish guidelines
14 to encourage agencies to make best efforts to
15 produce food grown, produced, harvested or
16 processed in New York State.

17 Intro 461 would require the city to
18 establish packaging reduction guidelines for us in
19 all city agency contracts.

20 Reso 627 calls upon the state to
21 expand its law, allowing New York City to
22 preference food originating from New York State,
23 to include a preference for regional food from
24 nearby states such as Connecticut, Massachusetts
25 and New Jersey.

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2 Finally, Reso 628 calls upon the
3 state to regulate the amount and type of packaging
4 used to encase goods produced by the state and its
5 localities, including New York City.

6 Before we begin, I would like to
7 give two of the sponsors of these bills the
8 opportunity to give a statement. I'll be calling
9 Ms. Gale Brewer.

10 COUNCIL MEMBER BREWER: Thank you.
11 This is better. I'm here with a staff member who
12 has worked really hard on this. Intro 452 is
13 designed to encourage city agencies whose expenses
14 are paid in whole or in part from the City
15 Treasury to procure New York State grown and/or
16 processed foods to the maximum extent possible.
17 As you heard, or if you can read in the wonderful
18 briefing report put together by staff, the chief
19 procurement officer of whatever agency is involved
20 would have to submit an annual report to the
21 Speaker each year detailing the efforts.

22 We recently had, with this Chair
23 and with the Chair of Education, Robert Jackson,
24 who is here, at a hearing which was wonderful, on
25 oversight of School Food. We learned a little bit

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2 about the School Food procurement practices, what
3 does exist, a lot of good things that are going
4 on, and how we need to expand.

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6 Just one example was Frank Degele,
7 who is a farmer, and he spoke at the February 8th
8 oversight. He provides the herbs and vegetables
9 used in the School Food egg rolls. Obviously, we
10 want to make sure that even more local agriculture
11 is supported to be able to get healthier and
12 fresher food to city agencies.

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14 I hope we'll hear testimony about
15 which agencies could be involved in such an
16 effort, in addition to the Department of
17 Education. There are challenges across the board.

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19 I think Albany County, much
20 smaller; Albany probably fits on 79th Street
21 between Amsterdam and Columbus in my district.
22 I'm being a little facetious. It's small, but
23 they have passed a law that does exactly what
24 we're looking for today. I think there are other
25 cities around the country that are trying to do
the same.

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27 We, obviously, have a lot of farms
28 in New York City, small farms. Living in a

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2 thriving metropolis like we do, it can be easy to
3 forget that with 36,000 farms covering 7 million
4 acres, we are obviously in an agricultural state,
5 but we do want to make sure that they continue,
6 these farms, and we obviously have started with
7 the Green Markets. We want to make it something
8 that is expanded to our city agencies.

9 I want to thank the Chair for
10 having this, thank the Speaker's Office for all of
11 their work that they have done on this issue. We
12 look forward to the testimony. Thank you.

13 CHAIRPERSON MEALY: Debi Rose?

14 COUNCIL MEMBER ROSE: Thank you.
15 Thank you, Madame Chair. I would also like to
16 thank Speaker Quinn for her advocacy in making
17 sure that New York City is utilizing its resources
18 to maximize the purchase of healthy food locally
19 with the FoodWorks initiative.

20 Obesity is a major problem for New
21 Yorkers; this one excluded, of course, especially
22 New Yorkers who don't have the financial resources
23 to buy healthier food. It is my hope that this
24 resolution persuades our state legislators to
25 allow for the city to purchase its food from

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2 regional farmers, thereby strengthening the local
3 economy and presenting the city with cheaper,
4 healthier options for food.

5 Madame Chair, I urge my colleagues
6 on your committee to support Resolution 627, which
7 would amend the State General Municipal Law to
8 allow New York City to extend preferential
9 treatment to regional farmers. By doing so, New
10 York City would be able to purchase food, not only
11 from farmers within the state who already receive
12 preferential status, but from local food providers
13 in the New York region.

14 The positive effect that this bill
15 will have on the environment in the long run is a
16 major secondary selling point. Food that is
17 purchased locally will require less travel time,
18 meaning less diesel trucks on our streets and over
19 time, our CO2 levels will drop, which as we all
20 know, is a major cause of global warming.

21 New York City spends \$175 million
22 on food for its various agencies. By amending the
23 city's procurement policies, when it comes to
24 purchasing food, the city will be helping local
25 farmers, building our local economy, safeguarding

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2 good paying jobs and promoting sustainable
3 agriculture in the region and in the state.

4 Thank you, Madame Chair for
5 allowing me the opportunity to discuss the merits
6 of this legislation with you. I urge you all to
7 support not only Resolution 627 but all of the
8 bills on today's agenda. Thank you.

9 CHAIRPERSON MEALY: Thank you.
10 We've been joined by Council Member Mark-Viverito.
11 We will now have testimony from Maria Osorio,
12 Senior Environmental Analyst of the MOCS
13 Department and Jake Luce, Deputy Chief of Staff of
14 the MOCS Department. I'd love to hear your
15 testimony.

16 [Pause]

17 JAKE LUCE: Got it? Thank you,
18 Council Member Brewer. I'm Jake Luce, Deputy
19 Chief of Staff at the Mayor's Office of Contract
20 Services. With me is Maria Osorio, who is our
21 Senior Environmental Analyst. I'll be offering
22 testimony today on behalf of Mayor Michael R.
23 Bloomberg on Intro 452, relating to the purchase
24 of New York State food. Maria will be giving the
25 Administration's testimony on Intro 461, relating

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to packaging reduction.

I want to give a brief overview of the ways in which the city buys food, which I hope will begin to answer Council Member--

CHAIRPERSON MEALY: [interposing]
Could you speak louder?

JAKE LUCE: Sure. And I'll even move the mike closer.

CHAIRPERSON MEALY: Thank you.

JAKE LUCE: I'm going to give a brief overview of the ways in which the city purchases food, which I hope will begin to answer Council Member Brewer's question about which other agencies, in addition to Education, would be a good target to encourage the purchase of food grown or processed in New York State.

We often buy food as a commodity. When the Department of Citywide Administrative Services, for instance, buys food on behalf of another agency, like the Department of Correction to feed inmates, the Administration for Children Services to feed juveniles in detention, the Human Resources Administration which buys nonperishable items to supply food pantries as part of the

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2 Emergency Food Assistance Program, those purchases
3 are made by DCAS on behalf of the city agency and
4 typically they're for a specific type of good that
5 one of those agencies might need, for instance,
6 frozen vegetables.

7 In other instances, as opposed to
8 buying food as a commodity, we have service
9 contracts for which the primary purpose of the
10 contract is to supply food. An example would be
11 the Department of Homeless Services contract with
12 the Maramont Corp for catered meals for use in the
13 family shelter system.

14 Another example of service
15 contracts whose primary purpose is food is the
16 City Council funded contract between the
17 Department of Youth and Community Development and
18 City Harvest for purchasing of food to supply to
19 food pantries that are not part of the Emergency
20 Food Assistance program.

21 In other instances, agencies
22 contract with not-for-profit organizations to
23 provide human services, and as part of the
24 program, the nonprofits purchase food to be
25 provided to the program's clients. One example is

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2 child care programs funded by ACS which include
3 food for the children served.

4 In addition to these examples,
5 various agencies also make small purchases of food
6 in connection with activities such as catering for
7 a public event. These purchases are made in
8 accordance with the Comptroller's Directive 6
9 regarding meals and other miscellaneous expenses.

10 Finally, we would note that there
11 are substantial food purchases made by agencies
12 that are not under the jurisdiction of the Mayor's
13 Office of Contract Services, such as the
14 Department of Education and the Health and
15 Hospitals Corporation.

16 As the examples above indicate, the
17 city purchases everything from canned food to
18 fresh produce to fully prepared meals in amounts
19 large and small, using nearly all the different
20 procurement methods available under the
21 procurement policy board rules.

22 The goal of our procurement system
23 is to see that the city receives the best value
24 for the taxpayer dollar while ensuring the
25 integrity and responsibility of our business

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2 partners, the transparency and fairness of our
3 practices and, where appropriate, to find
4 opportunities to leverage our buying power to
5 achieve the city's goals.

6 One goal that both the Council and
7 the Administration is committed is to make sure
8 that the city purchases food in a way that
9 provides healthy nutrition and supports the local
10 economy. Everyone in the room here today and I
11 hope you guys share that same goal, too, it's nice
12 to see such a large crowd.

13 In the furtherance of that shared
14 goal, Intro 452 directs the City Chief Procurement
15 Officer to develop guidelines for city agencies
16 that will encourage agencies to make best efforts
17 to purchase food produced or process in New York
18 State in accordance with New York State's General
19 Municipal law.

20 MOCS would fulfill this mission by
21 comprehensively analyzing the various ways in
22 which the city purchases food and developing a
23 program to encourage the purchase of New York
24 State food where feasible, cost effective and
25 sustainable. The city's program would target the

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2 list of foods grown and processed in New York
3 State as published by the New York State
4 Department of Agriculture and Markets, pursuant to
5 subsection 8a of GML 103.

6 This list identifies the specific
7 foods to which the procurement preference may be
8 applied and the approximate times of the year in
9 which each type of product is available. For
10 instance, milk is listed as available from New
11 York State producers year round, whereas apples
12 are available from state orchards from July
13 through May.

14 Before closing, I would like to
15 focus on the reporting provisions of Intro 452.
16 As you know, and as demonstrated by the various
17 statutory reports we provide each year, most of
18 which are then also included in our annual
19 procurement indicators report, MOCS is committed
20 to providing robust data that offers transparency
21 into city purchasing and ensures accountability
22 with regard to compliance with all applicable
23 mandates.

24 We share the Council's goal of
25 extending that data driven approach to measure the

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2 city's progress in purchasing New York State food.
3 However, we do have some concerns about the
4 feasibility of the reporting requirement as
5 currently drafted. As of today, food sourcing
6 information is not captured for any of our
7 procurements. As drafted, Intro 452 would require
8 the city to provide detail on the sourcing of food
9 during the current fiscal year, prior to the
10 establishment of this program. This may not be
11 feasible.

12 In addition to the large commitment
13 of staff resources that would be needed to
14 identify after the fact which contracts included
15 food, we would have to obtain data from
16 contractors which they may well not have, i.e. the
17 geographic source of the produce they sold to the
18 city and that their contracts would not have
19 required them to ascertain and provide.

20 More fundamentally, the reporting
21 requirements as drafted require an unrealistic
22 level of detail. The city's financial management
23 system contains information on all the contracts
24 we enter into. However, many of our food-related
25 contracts are for baskets of goods rather than one

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specific product.

For example, imagine \$100,000 contract for the purchase of both apples and oranges. Although we might know that all the apples came from New York State and all the oranges came from Florida, FMS, the Financial Management System, does not break out what percentage of the total quantity or total dollar value of the \$100,000 purchase was made up of apples and what percentage was made up of oranges.

Further, apples might come by the case, while oranges might come by the pound, which makes it difficult to compare them by quantity in addition to comparing them by prices.

In the end, we can certainly work with you to devise workable reporting requirements, such that we would be able to identify city contracts that involve the purchase of New York State food, even if the precise amount of each commodity is not readily ascertainable.

While some additional data can perhaps be manually collected from city agencies or our vendors, we are also mindful of creating undue burdens. Agency resources are strained in

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2 the current budget environment and the data
3 collection challenges are particularly difficult
4 for social service agencies and their providers.
5 Many of our food suppliers are small businesses,
6 and they, along with our nonprofit providers, are
7 ill-equipped to handle new data collection
8 burdens.

9 To reiterate, as we work together
10 to finalize this legislation, we'll provide the
11 City Council with information as to the current
12 availability of data regarding food sourcing. And
13 we'll work with you to craft more flexible
14 language on reporting that will increase the
15 amount of relevant data made available to the
16 public without creating reporting obligations that
17 discourage participation by smaller suppliers or
18 adding undue cost to city agencies.

19 Thank you for the opportunity to
20 offer testimony today. I'll now ask my colleague
21 Maria Osorio to discuss Intro 461. At the
22 conclusion of her testimony, we would be happy to
23 answer any questions you may have.

24 MARIA OSORIO: Good afternoon,
25 Chair Mealy and members of the Contracts

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2 Committee. I am Maria Osorio, Senior
3 Environmental Analyst at MOCS. Following the
4 passage of Local Law 118 of 2005, Mayor Bloomberg
5 designated Marla Simpson the Director of the
6 Mayor's Office of Contracts as the City's Director
7 of Environmental Purchasing. So I am pleased to
8 be here on her behalf to discuss the
9 Administration's position on the Intro 461.

10 Intro 461, related to product
11 packaging reduction would enhance our
12 environmentally preferable purchasing program
13 which is premised on five Local Laws signed into
14 law in 2005: Local Law 118, 119, 120, 121 and 123.

15 Single-use transportation and
16 product packaging includes various types of
17 packaging, such as pallets, boxes, wraps and slip
18 sheets. Packaging can be made of materials such
19 as corrugated cardboard, fiberboard, metals,
20 plastics and wood.

21 Although packaging serves the
22 essential function of protecting, containing and
23 preserving a product, it does not contribute to
24 the city's waste stream. The addition of the
25 requirements of Intro 461 would assist the city in

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2 better managing and minimizing waste produced
3 through the purchase of goods.

4 As the City's chief goods
5 purchaser, DCAS' Division of Municipal Supply
6 Services establishes citywide requirement
7 contracts for frequently purchased commodities.
8 As reported in the MOCS Annual Procurement
9 Indicators Report for Fiscal Year 2010, DCAS
10 awarded over \$144 million worth of contracts for
11 such EPP goods as paper products, electronics,
12 lighting products, plumbing and architectural
13 coatings.

14 Since the 1990s, DCAS has included
15 standard language in its contracts in support of
16 packaging reduction and reuse. All competitive
17 sealed bids administered by DCAS have included the
18 following provision. "Whenever practicable,
19 packing shall eliminate waste, reduce waste by
20 weight, volume and toxicity without substituting a
21 material that is not recyclable, and should
22 contain recycled content." This provision allows
23 DCAS to continue its commitment to identify and
24 procure products which contain recycled content,
25 minimize waste, conserve energy and are less

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toxic.

MOCS will work with DCAS and the Office of Long-term Planning and Sustainability to develop a packaging reduction program that will create clear standards for minimizing the waste stream and encouraging vendors to consider eliminating excess packaging and switch to reusable packaging.

In addition, to effectively implement Intro 461-2011, MOCS would recommend clarifying the terms reusable and recyclable and eliminating the term compostable. By establishing best management practice for waste reduction, we can develop guidelines for packaging alternatives that will not compromise product safety or quality.

MOCS is finalizing draft amendments to the city's EPP rules, Chapter 11 of Title 43 of the Rules of the City of New York, to implement the green cleaning pilot results and to institute other EPP program expansions. If practicable, we will include these new provisions with these pending amendments.

In conclusion, we thank you for the

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2 opportunity to discussion Intro 461 as a possible
3 addition to the city's ongoing efforts to provide
4 environmental sustainability and procurement
5 reform. My colleagues and I are available to
6 answer any questions you may have.

7 CHAIRPERSON MEALY: Yes, we've been
8 joined by Letitia James also. Can I ask you a
9 question? On page 4, you said it does not break
10 out the percentage of total quality or total
11 dollar value of \$100,000 purchase was made up of
12 apples and what percentage was made up of oranges.
13 Further, apples might come by the case while
14 oranges might come by the pound, which makes it
15 difficult to compare them with the quantity in
16 addition to the price. You're telling me a lot of
17 our suppliers do not have the technology for that?

18 JAKE LUCE: Well, there are a
19 couple of components to it.

20 CHAIRPERSON MEALY: Come closer.
21 Keep the mike on.

22 JAKE LUCE: Thank you for the
23 question.

24 CHAIRPERSON MEALY: Please move it
25 closer to you. Thank you.

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JAKE LUCE: There are a couple of different components. The point I was making was that in the city's Financial Management System what's recorded in this example would have been \$100,000 contract for produce, but it wouldn't necessarily say in our Financial Management System, which is our centralized repository for contract data, that the produce contract was this percentage apples and this percentage oranges.

In addition, if suppliers supplied us with a basket of apples and oranges, all the apples might come from different farms as opposed to the same farm, which would, from their point of view, be a data challenge that they would have to address in order to tell us these apples came all from one place or all from another place. So I there are at least two challenges.

CHAIRPERSON MEALY: In this technology age? Gale, do you think technology can help this?

COUNCIL MEMBER BREWER: I went to a forum recently in which the restaurant told me that if I sit down at a steakhouse, which I'm not likely to do, but if I did, they could tell me

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where the steak came from, which cow.

CHAIRPERSON MEALY: Thank you. I know with this technology there is something wrong with this.

JAKE LUCE: I don't think the issue is the technological solution. The question is where we get the data that feeds into the technological solution.

CHAIRPERSON MEALY: Maybe from the producer, it could just be a farm. We have a quantity of ten boxes. You could just check off before it's sent out from the farm.

JAKE LUCE: I didn't mean to give the impression that this is impossible to do. But what I think we need to do is to do some analysis of what data we currently have and what data we could collect and how we would collect it. Then work with the Council and other stakeholders to figure out what's the best way to proceed to produce the most robust data that we can share with the public, as well as with the Council.

CHAIRPERSON MEALY: So going forward, I think we need this technology comparison together with the farmers and with

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2 maybe the MOCS Department to find out what's the
3 best way that we can challenge this to make sure
4 that we know how many oranges or how many apples
5 or how many pounds. We should have that data
6 coming from the farms, because how else are they
7 making money if they don't know how many pounds or
8 how many crates they have sent out. So with our
9 Ms. Gale Brewer, she'll find a way with
10 technology. I'm going to turn it over to Ms.
11 Brewer for your questions.

12 COUNCIL MEMBER BREWER: Thank you
13 very much. Thank you for your testimony. Thank
14 you, Madame Chair. I appreciate the fact that
15 you're willing to work with us. I appreciate
16 that.

17 I am much more familiar, I'll be
18 very honest with you, with the Department of
19 Education because we've been focused there. They
20 have four distributors. That contract is coming
21 up, some people say in August, some people say
22 March 2012; it depends on who you talk to. But at
23 some point they're going to come up and I hope
24 that the new RFP will be written differently to
25 have local sourcing.

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2 So my question is do each one of
3 the agencies that you described, leaving aside HHC
4 and DOE, do they all have separate distributors?
5 Is it done through MOCS? How is the food actually
6 captured in terms of the distribution? Who does
7 the actual purchasing? Is it through a
8 distributor, et cetera?

9 JAKE LUCE: Thank you for the
10 question. We have been asked to summarize, so I
11 skipped over some detail.

12 COUNCIL MEMBER BREWER: I know.

13 JAKE LUCE: I think that there are
14 lots of different answers to that question because
15 it really depends on the program. In some cases
16 there is a large distributor. I'm thinking of
17 Department of Homeless Services' contracts with
18 Maramont, as well as a few other large
19 distributors for special needs or special dietary
20 restrictions. That distributor is really doing
21 all the sourcing and purchasing of the components
22 or the processed food.

23 In other cases, the Department of
24 Citywide Administrative Services, which purchases
25 a lot of our food for DOC, ACS, they are more

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2 likely to have a specific contract for a narrower
3 type of good with a supplier. For instance, they
4 might buy just one purchase just of frozen fish.
5 That was one that I saw when I was doing some
6 research. So I think it really varies in terms of
7 the scale of the contract and it also varies in
8 terms of the method. Some are done by competitive
9 sealed bid and some are done by request for
10 proposal as well as other methods.

11 COUNCIL MEMBER BREWER: So then my
12 question would be down the line, not tomorrow, but
13 is somebody, is it MOCS, looking at when these
14 contracts up, because obviously each one is
15 different. Could we work with Ag and Markets?
16 That's my favorite state agency. Work with Ag and
17 Markets to figure out ways that the contracts
18 could be written differently so that we could do
19 local purchasing? Is that, in your portfolio, is
20 that something that people are thinking about?

21 JAKE LUCE: Absolutely. I think we
22 need to do some analysis on what's coming up as
23 well as what other localities, municipalities and
24 states have done and figure out what are all the
25 options on the table and what the best ones are to

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proceed with on specific contracts.

COUNCIL MEMBER BREWER: Okay. So is there a protocol now to encourage local sourcing, or is that something that as we suggest might come up when these contracts are due?

JAKE LUCE: To my knowledge, there is nothing currently in place with our contracts that encourages local sourcing.

COUNCIL MEMBER BREWER: Okay. I know you talked about time, because obviously the current contracts don't call for this, but do you have some sense or maybe you want to talk about it offline as to how long it would take to develop guidelines for local sourcing?

JAKE LUCE: The legislation requests us to put guidelines in place within six months. With any program there needs to be additional attention paid to how it's progressing and fine tuning, but I believe that to put something in place within six months would be doable.

COUNCIL MEMBER BREWER: Okay. My other question is obviously we do have Green Markets. The Mayor does understand PlaNYC and the

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2 whole greening of our city and that's to his
3 credit and to the Speaker's credit. Those are
4 good agenda items.

5 Are there any other ways in which
6 the city could help improve local farmers'
7 distribution systems? Obviously, one of the
8 issues, DHS is probably larger than most states,
9 just in terms of their purchasing, and I could go
10 on and on. So my question is in order to not only
11 push at DOE which we're doing, but all of these
12 other agencies, you need to have better
13 distribution on the other end. Is that something
14 that whether the person who is charge of food for
15 the City of New York, who's looking at that? Is
16 it Marla and you or is it a larger sphere? You
17 have to do something on the other end which is the
18 distribution of the farmers.

19 JAKE LUCE: I think we could, Marla
20 and our office look at how--

21 COUNCIL MEMBER BREWER:

22 [interposing] Marla can solve all problems.

23 JAKE LUCE: --how procurement can
24 drive the results we're looking for in that area.
25 In addition, in Deputy Mayor Gibbs' office is the

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2 Office of the Food Policy Coordinator. I think I
3 saw Tim Kessler walk in earlier. So in terms of
4 all the various other parts in addition to
5 procurement, from the Speaker's FoodWorks plan and
6 the other needs that the city has regarding
7 encouraging New York State farms, I think there
8 are other members of the Administration that can
9 help with that.

10 COUNCIL MEMBER BREWER: Okay. The
11 other thing is the legislation I think talks now
12 about Treasury. In other words, that the DOE as
13 we know is not funded by Treasury, it's funded by
14 I guess City General Funds. So there's a
15 difference. I guess I'm under the impression that
16 no matter what, we cannot, meaning the City
17 Administration, tell DOE and/or HHC how to produce
18 their guidelines. Is that correct or do you see
19 any way to be able to do that, maybe because it
20 might make sense holistically, not to mention we'd
21 like to be in charge of their procurement?

22 JAKE LUCE: I think we can
23 certainly work with them. I personally have more
24 experience working with DOE than HHC but either
25 way, I've worked with members of their procurement

1
2 staff on various issues previously and we can
3 certainly cooperate with them, even if local law
4 does not have the ability to compel them to do
5 certain things related to procurement.

6 COUNCIL MEMBER BREWER: I know we
7 also often buy emergency food. Obviously you have
8 emergencies. Is there any way that those
9 contracts come up more quickly or is that also a
10 long-term contract situation that can't be
11 adjusted to deal with local sourcing? I mean you
12 hear the word emergency, I think it probably
13 applies to the person who needs the emergency and
14 not to the contract.

15 But I'm just trying to see if there
16 is any sort of holes in the armor to be able to
17 start thinking more quickly about this local
18 sourcing. I didn't know if under any of the EFAP,
19 which you mentioned, because the City Council does
20 some also, if there was any way to try to think
21 more creatively about local sourcing there.

22 JAKE LUCE: I think that there are
23 two connotations of emergency in this context.
24 There are emergency procurements, which is a
25 relatively rare procurement method. Emergency

1
2 Food Assistance Program would not count as an
3 emergency. It's more of an emergency for the
4 person. In that case I certainly think we can
5 look at the ways in which food is supplied to the
6 food pantries as part of the EFAP program. That
7 food is currently purchased by DCAS who would be a
8 large part of any conversation about improving the
9 way the city purchases food.

10 COUNCIL MEMBER BREWER: Okay. Then
11 just finally back to the Chair's question. I
12 mean, I am being a little facetious with this cow.
13 It was a little bit too much for me to handle, the
14 notion of being able to track the cow as you're
15 sitting in Manhattan eating your beef. But there
16 are people who are doing that now, are going to
17 start, you know, we're not corn-fed, we're grass-
18 fed, and it goes on and on.

19 So my question is: are you working
20 on trying to figure out how there could be better
21 tracking of the apples and the oranges, because,
22 obviously, technology does play a role there. I
23 think it's sort of the next step.

24 We have a deputy mayor who
25 understands barcodes. I'm not saying we have to

1
2 barcode every apple, but I am saying we should be
3 able to barcode the basket. I mean is there
4 something more creative that between DoITT and you
5 and the Deputy Mayor Linda Gibbs and the great Ag
6 and Markets, this has kind of risen to a higher
7 level in terms of tracking.

8 JAKE LUCE: Absolutely. I think
9 the analysis we need to do is what data do we
10 currently have available and in what form is it
11 currently available, what data do we really want
12 to get, where does it exist, even if we don't
13 currently capture it and to use technology to be
14 able to capture that information in the most
15 accurate and efficient way so that we could
16 actually gather more information using technology
17 without having to have staff be doing that
18 manually.

19 COUNCIL MEMBER BREWER: Right.
20 That's where we agree. So I think finally what
21 I'm saying is we look forward to working with you
22 on this, coming up with timelines that you think
23 are appropriate. But I do think, given this room
24 here today, and given the interest out there, that
25 there is great support for trying to move as

1
2 quickly as possible. I mean it's a win/win.
3 Farmers on one end; I have cousins who are waiting
4 up in Geneva, New York to get contracts. It's
5 probably against the law for me to even say that.
6 But there are plenty of farmers out there waiting
7 to have contracts. We want them to do it. The
8 folks here in New York want to be able to eat
9 fresher food. So I do think it's a win/win.
10 Thank you. Thank you, Madame Chair.

11 JAKE LUCE: Thank you for your
12 questions.

13 CHAIRPERSON MEALY: Do you think
14 just farm would be fine, just to scratch off.

15 JAKE LUCE: Well, that would
16 certainly be one technology we employ widely in
17 the city's procurement process--

18 CHAIRPERSON MEALY: [interposing]
19 That we can start, you know, instead of going to
20 technology, let's start there, going forward.
21 That would give us at least a database moving
22 forward. So I hope we can look into that.
23 Council Member James?

24 COUNCIL MEMBER JAMES: Thank you,
25 Madame Chair. First, obviously, I mean I support

1
2 the goals, obviously, to produce foods locally.
3 Obviously it would substantially help achieve
4 greater food security, improve the environment and
5 safeguard our jobs. But I specifically want to
6 focus, with my line of questioning, is the ability
7 to reduce packaging for all goods.

8 As Chair of the Sanitation
9 Committee, this is an issue that we have discussed
10 in the past. I see in the audience a friend of
11 mine and let me just start with her number one
12 issue and that is Styrofoam and a ban on
13 Styrofoam. So is there any discussion with
14 respect to banning that product, particularly in
15 our school system?

16 MARIA OSORIO: I would have to
17 discuss that with both Sanitation and DCAS. DCAS
18 is the lead purchaser of our goods. Again, this
19 is something that we are in discussion with, and
20 we have to sit down and discuss with them what the
21 best plan is. It's not something that we have on
22 paper already to ban Styrofoam.

23 COUNCIL MEMBER JAMES: Let me just
24 say this. It speaks to the criticism of this
25 legislation and of your approach and that is the

1
2 fact that the Department of Sanitation, my
3 committee, is not at the table and you're only
4 dealing with one agency where there should be a
5 more coordinated attempt to reducing repackaging
6 and composting products material and reducing it
7 from our waste stream in the City of New York.

8 This legislation, for the most
9 part, is only attacking it from one perspective.
10 My question is, is the City of New York thinking
11 about a more coordinated effort, particularly
12 working with the Department of Sanitation.

13 MARIA OSORIO: Yes, we are. The
14 actual comment that was included in my testimony
15 on defining two terms and removing the term
16 compostable actually came from the Department of
17 Sanitation of New York. So they will be at the
18 table when we start developing a plan.

19 COUNCIL MEMBER JAMES: Okay. So
20 who is the lead agency on this plan? Why is it
21 DCAS as opposed to the Department of Sanitation
22 since they're responsible for our waste stream?

23 MARIA OSORIO: Well, I haven't
24 identified DCAS as the lead, but they are the ones
25 who are currently doing all of the goods purchase

1
2 for the City of New York and they're the ones who
3 currently have a provision in their existing
4 policies that limit package reduction. So they
5 are definitely someone who we're speaking with
6 since they already have some knowledge and have
7 been thinking about this long-term prior to this
8 Introduction being raised.

9 COUNCIL MEMBER JAMES: So let me
10 ask you this other question. The possibility of
11 creating a task force with MOCS, DCAS, Sanitation
12 and the City Council, is that a possibility that
13 you could take back to the higher-ups, to the
14 muckety-mucks or to whomever?

15 MARIA OSORIO: Definitely. But
16 also include the Office of Long-term Planning and
17 Sustainability because waste reduction is also a
18 major part of their new PlaNYC revisions that will
19 be coming out this April. So we should all be
20 included.

21 COUNCIL MEMBER JAMES: Okay. So my
22 suggestion is that all of these agencies, we
23 create some sort of task force to talk about the
24 reduction of products in our waste stream and
25 recycling and perhaps composting.

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2 As you know, a recent bill that was
3 in the Sanitation Committee that we passed, the
4 package of bills, we talked about composting but
5 it's just a study. The actual composting is a
6 concept, unfortunately, which is so far into this
7 Administration, and it appears that the private
8 industry as well as my constituents and
9 constituents all across the City of New York are
10 far in advance of what we are doing here in the
11 City of New York or in advance of government.

12 So we really need to catch up. I
13 just don't see any impetus for us to catch up with
14 private industry as well as with our constituents,
15 most of them who are focused on our environment.
16 So what can we do to advance this cause?

17 MARIA OSORIO: Well, I think the
18 best thing is to create that task force you
19 suggested so that we can actually bring these
20 issues to the table and discuss them.

21 COUNCIL MEMBER JAMES: So the
22 creation of this task force, will that come from
23 the Administration or should it come from the City
24 Council?

25 MARIA OSORIO: I would have to take

1
2 that into advisement and discuss that with my
3 Director, Ms. Simpson.

4 COUNCIL MEMBER JAMES: Okay. So
5 tell Marla, who I know very well and who I used to
6 work with and who I love, whether or not she could
7 take the lead on this before I do, but it would be
8 better if she took the lead since she's closer to
9 the Mayor than I. We can sit at the table and
10 talk about reusable, recycling and compostable
11 material and reducing it from our waste stream in
12 the City of New York and having all of the
13 agencies at this task force and advocates as well.
14 Is that something you would do?

15 MARIA OSORIO: Definitely.

16 COUNCIL MEMBER JAMES: Thank you.
17 I look forward to following up on this suggestion.
18 Thank you.

19 CHAIRPERSON MEALY: Thank you.
20 We've been joined by Mike Nelson of Brooklyn. Do
21 any of the members have any more questions? If
22 not, I guess thank you so much.

23 MARIA OSORIO: Thank you.

24 JAKE LUCE: Thank you.

25 CHAIRPERSON MEALY: We would love

1
2 to hear from the agencies. The next panel is
3 Christina Grace, Hannah Geller, Triada Stampas,
4 and Thomas Forster.

5 [Pause]

6 CHAIRPERSON MEALY: Anyone can
7 start. Good afternoon.

8 I'll just jump in. Good afternoon,
9 my name is Chris Grace and I'm here today
10 representing the New York State Department of
11 Agriculture and Markets and the Acting
12 Commissioner Darrel Aubertine. Thank you so much
13 for the opportunity to speak to you about the
14 importance of proposed Local Law 452 and how to
15 move forward to implement such a law, with the
16 goal to institutionalize local procurement in New
17 York City.

18 First, I want to thank Councilwoman
19 Brewer for her leadership in introducing Local Law
20 452, which is critical to supporting our upstate
21 farms. New York is home to over 36,000 farms
22 which return \$4.4 billion to the state's economy.
23 Yet from 1982 to 2007, the state lost close to
24 4,500 farms. Local procurement is absolutely
25 essential to reversing this trend and fostering a

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vibrant agricultural economy.

Because of this, Governor Cuomo has made expanding access to locally grown food a central part of his agricultural economic development program. He is taking significant steps to support local procurement with his Share NY Food program which promotes partnerships between local farmers and local institutions to encourage the distribution of local farm foods to schools, hospitals, nursing homes, prisons and other agencies.

The Governor's budget proposals establish the framework through which food policy is included in his Farm NY plan can be delivered, including amending the state's Healthy Food Healthy Communities portion of Empire State Development Corporation's Upstate Agricultural Economic Development Fund--that's a mouthful--to make farmers markets and nontraditional markets eligible for funding.

This is particularly important to the rebuild of Hunts Point Terminal Market which will include a wholesale farmers market because those monies will be available for that market as

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2 it will be wholesale and open to community members
3 in particular hours. Also, the Department is
4 being authorized to facilitate the creation of a
5 revolving loan fund to support agricultural
6 programs. This has been talked about a lot around
7 CSA but we're very interested in looking at
8 institutional uses for this revolving loan fund
9 and institutional community supported agricultural
10 models.

11 I was here recently testifying
12 about our work with New York City Office School
13 Food. We have been working with School Food for
14 many years now and helping to replace existing
15 products that they currently buy with local and
16 create new products specifically for the market.
17 I mentioned a number of successes: the apple
18 slices, yogurt from upstate farms, the egg rolls
19 that Councilwoman Brewer mentioned from Frank
20 Dagele and Water Lilly which is a processor right
21 here in Queens that makes them. Of course, all
22 the milk in School Food is local. We are working
23 on a whole host of other products.

24 But there are some steps that
25 absolutely need to be taken to make sure that we

1
2 can more easily get those products into the door.
3 So in terms of implementing the Local Law, how
4 does New York City scale up? First, I want to say
5 please focus early efforts on the largest
6 opportunities. That was recently talked about.

7 I think that this can look so big
8 that we can step back and be afraid to take it on.
9 But if we focus on the big opportunities and see
10 this as a process and over the next few years
11 imagine that every year we can bring more and more
12 local food into our city agencies, then I think
13 that we will be successful.

14 I'm going to hit some of the same
15 points I hit at the last hearing with School Food.
16 Include New York preference language in the RFP
17 process for both foodservice management companies,
18 like in the case of HHC, Sodexo manages that
19 relationship, so they control the relationships
20 with the distributors, versus the case of School
21 Food where School Food directly manages its
22 foodservice and has its own distributor
23 relationship. So those foodservice management
24 contracts are really important as well as
25 distributor contracts. So amend exiting contracts

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to include language that preferences local.

We want to participate and help you in any way we can to do this. We're working closely with School Food FOCUS, which Thomas here represents. There are a lot of examples out there: Albany, St. Paul, Rhode Island with their foodservice management contracts, that we can bring some useful language to the table for those contracts.

In the case of School Food, we have recommended breaking produce out of the broad line bids and contracting with specialty produce distributors because produce is a huge opportunity for New York State where we can compete directly with farmers around the country on price and quality. So we're spending a lot of time there. We need experts in produce to help get that product in the door, whereas the broad line distributors that School Food currently works with are responsible for every product item that comes in the door. So they're not necessarily experts on produce.

We also recommend that agencies contract directly for minimally processed produce,

1
2 including frozen fruits and vegetables, minimally
3 processed. Things like the apple slices, which
4 already happens. This is really, really important
5 because we work very closely with upstate
6 processors and farmers to develop specific
7 products to meet School Food's particular specs
8 and we could do the same thing with HHC and with
9 other agencies. But then we get a product to
10 market and if a distributor has total discretion
11 and can order that from anywhere, then we've
12 worked and we've had great investment on the part
13 of our farmers and processors and then the product
14 gets sourced somewhere else.

15 So it's very important that at
16 least the New York producer has an opportunity to
17 win a competitive bid and then have a long-term
18 relationship with the actual purchasing entity.

19 Finally, the reporting piece is
20 absolutely critical. That has been discussed here
21 today.

22 But just to reiterate, we are here
23 to help. We believe this is very possible, doable
24 and we can't wait to see it happen. Thank you.

25 CHAIRPERSON MEALY: Thank you.

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Anyone can go next.

THOMAS FORSTER: Hi, thank you. My name is Tom Forster. As Christina said, I am representing School Food FOCUS, which is a network nationally of larger cities, 40,000 meals a day, or larger that began here in New York City with School Food Plus. Those of you who were in the hearing on School Food heard a great presentation on that history.

My testimony goes over some of the same ground and I'm going to actually zero in on some things that I think are very relevant here. Following what Chris Grace just said on some of the process side of what lies ahead.

Just to give you a little bit more background, I think the key points for the context here are that School Food purchasing, and I'm going to speak mostly to farm to institution, institutional purchasing in the School Food environment, because that, again, is what I know the best.

It has shifted, as we probably all here know, but I'm going to speak to the legal basis a bit here towards the procurement of

1
2 healthier foods with local and regional sourcing
3 where possible. This is because there has been
4 leadership from Congress and more recently from
5 the current administration federally to remove the
6 prohibition on using geographic preferences in
7 bids and solicitations in all school districts,
8 and in fact in all child nutrition programs, which
9 is important, thinking of child care feeding and
10 adult feeding programs are included and so are all
11 the snack and summer School Food programs.

12 So it now has shifted across the
13 country to looking at where in municipal and state
14 code is procurement policy perhaps out of
15 conformity with this new permission from the
16 federal level.

17 New York is the first city to
18 receive a significant amount of legal attention
19 from here in New York and from Washington. The
20 outfit at Georgetown Law that did the first legal
21 analysis on the federal government's prohibition
22 on geographic preferences came back in to help us
23 with looking at state conformity.

24 I mentioned this in my testimony
25 two weeks ago as being pending because it was

1
2 still being vetted among our legal attorneys in
3 D.C. and in New York. It is attached to this
4 testimony for you today. It is, we'd like to
5 think, a very comprehensive overview of municipal,
6 state and federal conformity when it comes to
7 applying a geographic preference, which I should
8 say is not a mandate. It isn't that way at the
9 federal level. It's not about giving a mandate to
10 procure with a geographic preference, but allowing
11 school food authorities and Departments of
12 Education to overlay their bids and specs with
13 geographic preferences.

14 That can actually be at least equal
15 or better than a price. We heard the deputy
16 chancellor in the last hearing talk about price
17 being the absolute governing end of all
18 purchasing. In fact, that's what's changed at the
19 national level. In New York, we can actually be
20 proud that we can move forward with local
21 preferencing. So I'll stop there.

22 CHAIRPERSON MEALY: Thank you.
23 Local preferencing, thank you. Next?

24 HANNAH GELLER: Good afternoon. My
25 name is Hannah Geller. I'm pleased to be here to

1
2 present testimony on behalf of American Farmland
3 Trust. Also, I live and work on an apple orchard
4 in the Hudson Valley. So policies that make
5 farming more economically viable are really
6 important to me.

7 First, I'd like to congratulate
8 Speaker Quinn and members of the Council for your
9 attention to the critical role that our farm and
10 food system play in enhancing our economy,
11 environment and public health. I'm here to speak
12 in support of Introduction 452, which is an
13 important step in implementing the agenda
14 expressed in the Council's FoodWorks report.

15 This bill will help strengthen
16 relationships between New York City's residents
17 who are in need of better access to nutritious
18 food and New York State's farmers who are badly in
19 need of the substantial market that New York City
20 provides.

21 The growing, processing, buying and
22 selling of food has traditionally formed the
23 foundation of all economies and New York is no
24 exception. New York's farms generated \$4.7
25 billion in economic activity in 2009.

1
2 Farms and farm related businesses
3 are major employers in New York State, directly
4 employing well over 100,000 individuals. But
5 agriculture is often overlooked by mainstream
6 economic development programs and we don't
7 adequately protect farmland or invest in our farm
8 and food businesses.

9 Over the last 25 years, New York
10 has lost half a million acres of farmland to
11 subdivisions, strip malls and other scattered
12 development. We continue to lose farms at a rate
13 of one farm every three and a half days in New
14 York State. Farmers are uncertain of their
15 business' economic viability, which adds to the
16 temptation and often need to sell their land for
17 development.

18 As our economy recovers from the
19 recession, farmers will feel more and more
20 pressure from developers to sell their land for
21 higher and higher prices. Once a farm has been
22 developed into suburban housing, it is extremely
23 difficult and expensive to restore the land to
24 suitable farmland.

25 One important way New York City

1
2 could help stem the loss of farmland is by passing
3 Intro 452. The city serves about 217 million
4 meals and snacks. So taking steps to target more
5 of these dollars to farms in New York would
6 benefit not only New York farmers but food
7 generations but also a new generation of people
8 looking to enter farming in our state.

9 So to make it more economically
10 viable so that people instead of wanting to make
11 the most money by just selling the farm and
12 getting money for the land could actually see
13 farming as an industry that would make sense
14 financially to enter into.

15 Purchasing food grown in New York
16 also helps sustain the farms that are critical
17 allies in protecting water quality and the
18 environment.

19 Since 1997, New York City has
20 worked with farmers upstate to keep the drinking
21 water clean that New York City residents drink
22 every day.

23 CHAIRPERSON MEALY: Go ahead;
24 finish up.

25 HANNAH GELLER: So this passage

1
2 would also specifically strengthen economic
3 opportunities for those farmers who are working
4 directly with the watershed that our city
5 residents drink.

6 In conclusion, we can't afford to
7 lose any more farms. We need to do what we can to
8 make them economically viable. American Farmland
9 Trust is happy to work with you in any way that
10 you need to go forward on this Introduction. You
11 have our contact information in there. Thank you.

12 CHAIRPERSON MEALY: Thank you.

13 TRIADA STAMPAS: Good afternoon,
14 Madame Chair and members of the Contracts
15 Committee and sponsors of this far-seeing
16 legislation. My name is Triada Stampas. I am
17 Director of Government Relations at the Food Bank
18 for New York City.

19 I'm going to focus my testimony
20 today on Intro 452. First, I want to thank all of
21 you for the leadership of the City Council on food
22 and hunger related issues, particularly the
23 FoodWorks platform and the legislation stemming
24 from it.

25 The Food Bank for New York City, as

1
2 many of you know, is the main supplier of
3 emergency food to food pantries and soup kitchens
4 across the city. We strongly support local and
5 regional food purchasing. Of the 14 million
6 pounds of fresh produce that we distributed last
7 year, 2 million, we are proud to say, was sourced
8 directly from New York State and more from
9 regional sources.

10 We've worked with the State
11 Department of Ag and Markets and the Food Bank
12 Association of New York State to develop
13 partnerships with upstate farmers and continue to
14 look for and pursue sources of food that are
15 regional and New York in particular.

16 We also routinely recycle our
17 wooden pallets and the cardboard and plastic
18 packaging that some of our food comes in. This
19 year, to date, we've recycled 20,000 wooden
20 pallets and will continue to do so. So we are
21 strongly behind the sentiment and the intent of
22 this legislation.

23 I want to call specific attention
24 to the Emergency Food Assistance Program. It is a
25 \$10.2 million source of city funding for emergency

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2 food for about 500 food pantries and soup kitchens
3 across the city. The food is purchased by DCAS
4 and both purchased and distributed at the
5 direction of HRA. That's how the program is
6 structured. It is a fixed pot of money. So
7 unlike the planning and budgeting that happens for
8 food procurement by agencies like the Department
9 of Ed, HHC, our senior centers, our jails, where
10 there is a certain number of people or meals that
11 is expected to be provided over the course of the
12 year, EFAP is a fixed pot of money for which the
13 city tries to secure as much food as possible.

14 What we've seen over the past
15 several years is that as food prices have gone up,
16 the same food dollars are buying less food. So
17 since 2003, wholesale food costs have gone up 33
18 percent. The poundage procured through EFAP has
19 gone down 27 percent because the dollar amount
20 hasn't changed. Now that's just how the program
21 is structured. So I don't expect there to be any
22 changes to that to come from this hearing or this
23 legislation.

24 Given the structure of EFAP, we
25 would ask for a tweak to the legislation to ensure

1
2 that state or regional purchasing not decrease the
3 amount of emergency food in the emergency food
4 supply because need has continued to climb over
5 the years. With a fixed pot of money that's not
6 responsive to that need, we're very concerned that
7 any particular purchasing mandates might cut into
8 the actual amount of food that EFAP is able to
9 purchase. If that change were made in the
10 legislation, we would wholeheartedly support it.

11 CHAIRPERSON MEALY: Thank you.
12 That was a good tidbit. You have a question, Ms.
13 Gale?

14 COUNCIL MEMBER BREWER: Thank you
15 all very much. You are heroes in this fight.

16 CHAIRPERSON MEALY: Yes.

17 COUNCIL MEMBER BREWER: My question
18 is, and again maybe starting with Hannah because
19 you're actually on a farm. My question is what
20 would be some of the distribution challenges?
21 There are so many challenges, all of which if, as
22 we say, Ms. Grace was in charge, they'd all go
23 away. My question is what are some of the
24 challenges you see, particular on distribution?
25 Is that something that is a challenge? How would

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2 you address it?

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4 HANNAH GELLER: It's definitely a
5 really big challenge for us. To speak also to the
6 question of tracking which is a similar problem, I
7 also run our store on the farm and I order
8 produce, so I'm familiar with these distributors.
9 They don't keep track of which apples come from
10 New York and which ones come from Washington and
11 which ones come from Chile. They get them all,
12 they sort them into a big bin and they deliver
13 them. Sometimes when they deliver them, they're
14 rotten and they get sent back. They're not
15 tracked individually in terms of where they're
16 coming from.

16

17 A lot of these distributors,
18 especially ones who work with universities, who
19 have gotten demand for more local food, have
20 started to do a better job with this kind of
21 thing. So there are a lot of different issues
22 with distribution but I think something really
23 important that we can do or that New York City can
24 do is just tell them that we really want local
25 food and that'll force them to start keeping--

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COUNCIL MEMBER BREWER:

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[interposing] I think mandate would be the best word.

HANNAH GELLER: Mandate.

COUNCIL MEMBER BREWER: They're not so good on telling.

HANNAH GELLER: Yeah. That's right. But you're their customers and they'll respond to that demand.

COUNCIL MEMBER BREWER: Right, money talks.

HANNAH GELLER: Especially if they have to, but to actually keep track of what's local and what's not.

COUNCIL MEMBER BREWER: How about just getting it to market and getting it to the right location? Is that an issue or you can do that if you had the mandate that the distributors work with you appropriately?

HANNAH GELLER: That's a very complicated issue especially for smaller farms like mine. We can't do it ourselves because it takes a lot of time and it's very expensive to drive into New York City and getting parking tickets and things like that. So we have to go

1
2 through a distributor and most distributors are
3 not willing to pay a price that can sustain us.
4 So if there was some sort of assistance for farms
5 to distribute their goods and sell them more
6 directly to consumers, that would be really great.

7 COUNCIL MEMBER BREWER: Okay. So
8 either Tom or Christine, if you have any thing you
9 wanted to add, because the bell rang. So is there
10 something you want to add? I'm sure there is.
11 Yes, go ahead. How do we address this big
12 problem?

13 CHRISTINA GRACE: We do need to
14 recognize that there are a number of farmers out
15 there of the scale that already do this. They
16 deliver to Hunts Point; they deliver directly to
17 the Baldors and to other folks in the world. So
18 they're already here. So while we're working on
19 rebuilding distribution that we've lost over the
20 years with the changes in the food system, there
21 are a set of producers and then there are a set of
22 distributors out there who can do this.

23 When you look at, for example, the
24 HHC Sedexo, Sedexo works with Sysco. To what
25 Hannah just said, a lot of these groups are

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2 working with universities and others who are
3 demanding local and they're already tracking it
4 for other people. I do believe that putting the
5 language into the contracts for the scale of
6 distributor that you tend to work with, at least
7 with the larger procurement relationships, you're
8 going to be able to get them to tell you where
9 products come from.

10 School Food has had to do this with
11 their four distributors where they've asked. It
12 wasn't in the contracts. Those distributors have
13 been able to come up with a list by state or
14 origin. If we had federal state of origin, Thomas
15 can work on this in the next farm bill, but if we
16 had state of origin labeling it would be a lot
17 easier.

18 COUNCIL MEMBER BREWER: Thomas, do
19 you want to add anything?

20 THOMAS FORSTER: Just very quickly,
21 I think following up on a remark that Councilwoman
22 James made about the need for coordination. I
23 think that as the cities which are showing the
24 most progress at changing their rather complicated
25 supply chains to source more regionally are

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2 demonstrating it really takes getting all the key
3 players around the table. To do that takes a
4 level of leadership or incentives or a combination
5 of both. The incentives that have worked have
6 usually been, frankly, foundation paid staff that
7 has gone to big cites and helped them get down and
8 sit at the table with their vendors and with other
9 state and local agencies that are critical.

10 So I think that with this really
11 great rapport around the FoodWorks platform,
12 before the renewal actually happens, that to set
13 the key stakeholders, including existing
14 distributors and vendors down at the table and
15 really discuss the principals by which and the
16 practices by which some of these changes could be
17 made in a system as complicated as any one of the
18 agency food service supply chain would be great
19 leadership.

20 COUNCIL MEMBER BREWER: I
21 appreciate that. Thanks to Rihanna Caldwick
22 [phonetic] in our office, we did have a School
23 Food meeting like that. I know that Ag and
24 Markets has participated in others. So I do think
25 that the gathering is a good one.

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2 Now, in other cities, obviously not
3 as big, but they all have Corrections, they all
4 have hospitals and so on, were those kinds of
5 meetings that you know of that did end up in
6 better distribution and better local sourcing?

7 THOMAS FORSTER: Yes, absolutely.
8 There is some great documentation on this. The
9 four cities that we worked, well the first three
10 were St. Paul, then Denver and now Chicago.
11 They're all very different scale. Chicago is
12 outsourced and the others are self-op like New
13 York. But the results of this work are all very
14 well documented. St. Paul went from under 5
15 percent regional to over 50 percent in one year
16 from the State of Minnesota, during the time when
17 it was seasonably available.

18 COUNCIL MEMBER BREWER: That's that
19 Scandinavian thing.

20 THOMAS FORSTER: It might be.
21 Anyway, we can provide you with some great output
22 and examples from which to think about New York.

23 COUNCIL MEMBER BREWER: Okay. In
24 terms of the nonprofit community, obviously you
25 are already trying. You talked about 2 as opposed

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2 14 million. I was just wondering if there are
3 other things that you can think of that could help
4 you? Cost is always going to be a concern. I
5 think we should add that to the legislation. I
6 hear you loud and clear. Are there other ways in
7 which the local sourcing could take place, or any
8 other suggestions that you would make?

9 TRIADA STAMPAS: Cost is always a
10 concern. That is absolutely correct. There have
11 been times as food prices have fluctuated where
12 local has been incredibly competitive with food
13 from other sources. Those are really the moments
14 when my organization has kind of pounced and
15 really taken advantage of the ability to source
16 locally. It's hard to know really what would
17 help, short of additional funds.

18 I know that this is not quite the
19 best year or the best time of year to ask for more
20 government funding but it would help procuring
21 local where there is a cost differential. It
22 really is a very difficult moment for food
23 pantries and soup kitchens to consider anything
24 that would cut into their food supply.

25 Although the city and the country

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2 as whole are slowly coming out of the recession,
3 there is an entire sector of the community that is
4 not experiencing that just yet and there is still
5 heavy reliance on food pantries and soup kitchens.
6 So volume is going to continue to be a concern.

7 COUNCIL MEMBER BREWER: Thank you.
8 Thank you, Madame Chair.

9 CHAIRPERSON MEALY: You're welcome.
10 I had one question. How is it working with the
11 reduction of recycling using the pallets? Is it
12 cost effective to your organization?

13 TRIADA STAMPAS: It has been. We
14 actually have contracted with a recycling company.
15 They come and they pick up the pallets, pay us
16 some amount for each pallet that they collect and
17 they go ahead and recycle it and we're able to
18 divert those revenues back into our operation. So
19 it enables us to buy more food to keep our
20 programs going. It's something that we started
21 doing a little bit more than a year ago with the
22 realization that all of this wood can go use
23 somewhere.

24 CHAIRPERSON MEALY: Yes.

25 TRIADA STAMPAS: We found a

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2 recycling company that would take our pallets and
3 now it's something that we do routinely. We also
4 recycle the cardboard and plastic packaging that
5 some of our food comes packaged in. The amounts
6 are a bit less. I mean the packaging for the food
7 that we receive is fairly minimal. But what we
8 get, we try to recycle and kind of return to other
9 uses.

10 CHAIRPERSON MEALY: Thank you. Now
11 that's helpful for the environment.

12 TRIADA STAMPAS: Thanks.

13 CHAIRPERSON MEALY: Thank you so
14 much. We will have the next panel. Oh, Mr.
15 Jackson has a question.

16 COUNCIL MEMBER JACKSON: Thank you
17 all for coming in. I guess my question was to Ms.
18 Stampas, who indicated that you'd like us to tweak
19 the legislation to make sure that there's a
20 certain amount of money that is available or food
21 that is available?

22 TRIADA STAMPAS: Not so much that
23 there's a certain amount of money available but
24 for a program like EFAP, and like I said, it is a
25 teeny tiny part of the food procurement that the

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city does, the whole program is only \$10 million.

COUNCIL MEMBER JACKSON: Right.

TRIADA STAMPAS: So we're not talking about some of these enormous contracts. But it is a fixed sum of money. So the language in the legislation right now, and I think this only needs to be a minor change. The language in the legislation right now says that local procurement should not result in an increase of expenditure for city agencies. For agencies that budget based on the number of meals they serve or the number of people they serve, that's a good way of making sure that--that makes the intent of the legislation really clear that local purchasing shouldn't be more expensive.

For a program like EFAP where the dollar amount is already fixed, if local food is more expensive, then the only way to get local food in is to cut the total amount of food that that dollar buys. As I was saying earlier, food prices have gone up 33 percent in the past eight years. The amount of food through EFAP has gone down 27 percent because it's been the same dollar amount.

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2 We want to see healthy wholesome
3 New York State food coming into the Emergency Food
4 Supply, but we don't want what we are sure is the
5 unintended consequence of there being overall less
6 food for people who rely on food pantries and soup
7 kitchens.

8 COUNCIL MEMBER JACKSON: So you
9 want an escalation clause in there or something
10 like that?

11 TRIADA STAMPAS: Something that
12 just as there is language in there that says it
13 shouldn't result in increased spending for
14 agencies, maybe language that for the Emergency
15 Food Assistance Program it doesn't result in
16 diminishing quantity, lessening the overall
17 quantity of food that that funding pot provides.

18 COUNCIL MEMBER JACKSON: I'm sorry,
19 and I don't know all of the particulars but who
20 would have to pay for that additional increase?

21 TRIADA STAMPAS: It wouldn't be an
22 increase.

23 COUNCIL MEMBER JACKSON: But if in
24 fact the price of food is going up and you don't
25 want to diminish the amount of food that's coming

1
2 in, there's a cost factor involved there. It has
3 to be picked up by someone. My question to you is
4 who is going to pick that up?

5 TRIADA STAMPAS: This is something
6 that's been happening historically. It's just the
7 way that program is structured. The City Council,
8 in fact, through initiative funding has
9 supplemented EFAP with City Council funding in
10 recognition that the same dollars are not going to
11 buy the same amount of food, particularly at a
12 time of increasing need. We're very, very
13 grateful for the City Council's initiative funding
14 to supplement EFAP to provide food for non-EFAP
15 food pantries and food kitchens. There is other
16 funding that comes in.

17 Without changing the way that the
18 EFAP program is structured and funded, this is
19 always going to be a problem. To more food costs
20 go up, the less that food dollar will buy. What
21 we're asking is with a New York State food
22 purchasing mandate that that not accelerate that
23 process or exacerbate that process.

24 COUNCIL MEMBER JACKSON: So in
25 essence you're saying where there's a will there's

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a way. We have to find a way. That's what I'm hearing you saying. Is that correct?

CHRISTINA GRACE: Yes, sir. Yes, Council Member.

COUNCIL MEMBER JACKSON: I would agree with you. I mean, obviously, because listen, I have driven by and actually walked by to the point where the visual lines of people all the way around the corner made me stop and actually go in and talk to the managers of food banks because the lines were so long. I went in and really talked to them as far as how many people they're seeing and how many days a week, so forth and so on, what is the application process, this, that and the other.

I say this that I understand. I guess fortunately I know on wood that I have not myself had to go to one of those food bank lines. But I know there are many people that are, and quite frankly I'm sure that the people would rather not be but they have to. As someone that allocates discretionary money to Food Bank, obviously, I wish that I can allocate more but I do understand the need. So I just wanted to flesh

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that out with you so I can fully understand it better.

TRIADA STAMPAS: Thank you.

COUNCIL MEMBER JACKSON: Thank you.

CHAIRPERSON MEALY: Thank you.

We'll have the next panel. Thank you so much.

The next panel will be Mark Izeman, Keith Jaffe, Kenneth Jaffe, and James Sabadino.

JAMES SUBUDHI: Pretty close.

Sabudhi.

CHAIRPERSON MEALY: Sabudhi?

JAMES SUBUDHI: Yeah.

CHAIRPERSON MEALY: And Mr. David

Merango.

[Pause]

CHAIRPERSON MEALY: Anyone can

start.

MARK IZEMAN: I'm happy to go

first.

CHAIRPERSON MEALY: Thank you.

MARK IZEMAN: Good afternoon. My

name is Mark Izeman. I'm a senior attorney and the director of New York program for the Natural Resources Defense Council. As Councilwoman Brewer

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2 and others know, NRDC has worked for almost 40
3 years to protect the environment of greater New
4 York and separately NRDC also has worked for many
5 year, decades, on food and agricultural issues and
6 presents an annual Growing Green award nationally
7 every year.

8 We'd like to comment the Council
9 for addressing this very important issue of local
10 food and for introducing legislation that would
11 help protect and promote New York's regional food
12 supply.

13 I'm going to focus today on Intro
14 452 and Resolution 627. NRDC has also worked for
15 many years with the Council on solid waste issues.
16 Our plan is to submit separate comments or
17 testimony on the packaging bills for today's
18 hearing.

19 In short, we're very supportive of
20 Intro 452 and Resolution 627 because we believe
21 there are compelling environmental, economic and
22 public health benefits from boosting the supply of
23 local food into the city.

24 We'd like, however, to offer two
25 suggestions for strengthening these bills before

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2 they are finalized. First, we respectfully
3 suggest that the guidelines for procuring local
4 food in Intro 452 include some standards on
5 sustainability so that we're not just increasing
6 the amount of local food but that we're increasing
7 the amount of sustainably grown local food.

8 Second, we urge the Council to
9 consider adding concrete language on targets for
10 purchasing that food.

11 Before I turn to those, let me just
12 very, very quickly in the time I have just
13 emphasize that there, again, there are at least
14 three major benefits of buying local food. There
15 are economic benefits. If the city were to
16 leverage its purchasing power to promote an
17 increase in the demand for local food, there'd be
18 a tremendous opportunity for local farmers and
19 food producers to increase their sales, jobs and
20 promote economic growth. Currently, less than 20
21 percent of New York State's farms make more than
22 \$100,000 annually.

23 Second: health benefits. A 2005
24 report showed that fruit and vegetables lose
25 nutrients each day after they've been harvested.

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2 After only three days, they have lost 40 percent
3 of their nutritional value. So buying local can
4 provide more fresh healthy vegetables to New
5 Yorkers.

6 Lastly, as several other people
7 have commented already, there are significant
8 environmental benefits. In addition to climate
9 change issues at the regional level, we're losing
10 70 acres a day of farmland. We've paved over a
11 million acres of our food shed in the last 60
12 years, a million acres, 70 acres a day. It's
13 almost stunning.

14 So buying local food is a way of
15 protecting farms and protecting that landscape and
16 protecting the New York City watershed. We
17 shouldn't be just thinking about the New York City
18 watershed, we should be thinking about the New
19 York City food shed. They happen to overlap
20 significantly.

21 Quickly, in the 27.3 seconds that I
22 have left: two points. One, it might require some
23 changes to state law and we look forward to
24 discussing this with you. It is critical that we
25 think about ways so that the legislation

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2 ultimately is promoting sustainable local food.
3 You couldn't do this, but we don't want to have
4 DDT-spayed apples, you know, just because they're
5 local. We want to have fresh healthy food.

6 Second, as we learned from Local
7 Law 19 of 1989, which is probably the Council's
8 most significant environmental legislation ever
9 passed, without having concrete targets, you're
10 not going to be able to get to where we want to
11 go. We never met the recycling goals. We haven't
12 met them yet. But without the goals that the City
13 Council put in and just reinserted new ten-year
14 goals last year for recycling in New York City, we
15 would never be at the level of recycling we are
16 today. That required the Sanitation Department to
17 put the resources and commitment into it.

18 So in addition to changing the law
19 so that we're buying sustainably grown local food,
20 we need to have some very modest, reasonable,
21 sensible targets that will slowly increase the
22 amount of local sustainably grown food that the
23 city is purchasing. Thank you very much.

24 CHAIRPERSON MEALY: Thank you so
25 much.

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2 JAMES SUBUDHI: My name is James
3 Subudhi. I'm the Environmental Policy and
4 Advocacy Coordinator at WE ACT for Environmental
5 Justice. WE ACT is a 21-year-old community-based
6 organization in Harlem. We work mostly on public
7 health issues and I work specifically on school
8 food issues in an effort to reduce and prevent
9 childhood obesity.

10 Thank you for giving me the
11 opportunity to deliver testimony today. I will be
12 speaking directly to Intro 452. We strongly
13 support this bill because it's good for the health
14 of New York City residents, its environment and
15 the New York State economy.

16 However, New York City should do
17 whatever is within its power to purchase local
18 foods. While the bill does not impact New York
19 City Department of Education, the New York City
20 Chancellor has the power to encourage the DOE to
21 purchase local foods by allowing it to have
22 geographic preference in its bidding contracts.

23 She can do this because Article
24 52a, 2590, of New York State Education Law gives
25 her the authority. Specifically, State Education

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2 Law, as promulgated by State Legislature gives the
3 Chancellor the authority to develop a procurement
4 policy for the city school district as well as
5 public schools there and within. Such policies
6 must include standards for quality, function of
7 utility, all material goods, and the services
8 purchased by the Chancellor and superintendents in
9 other schools.

10 Regulations for these purchases and
11 services by the Chancellor and superintendents
12 must include clearly articulated procurement
13 requirements when it comes to their product
14 specifications.

15 Together, Intro 452 and allowing
16 the DOE to have geographic preference in its
17 bidding contracts would create a robust
18 procurement system and infrastructure to ensure
19 that New York City's tax dollars are being best
20 used for the benefit of the health for our school
21 children. Thank you very much.

22 CHAIRPERSON MEALY: Thank you. Mr.
23 Kenneth Jaffe.

24 KENNETH JAFFE: My name is Ken
25 Jaffe. I own and operate Slope Farms in the

1
2 western Catskills where we raise beef, almost all
3 of which is eaten by New York City residents. I
4 was invited here because of the work I did with
5 New York City School Food to provide beef for an
6 event which was served to 15,000 school children
7 last October.

8 I'm also a member of the Cornell
9 Grassland Utilization Work Team, which recently
10 issued its Green Grass Green Jobs report about
11 putting underutilized grassland in New York State
12 into active production for the development of
13 regional food systems.

14 I support the local laws being
15 discussed today as important steps towards
16 FoodWorks goals. I would like to comment and make
17 suggestions concerning Intro 452. Most of what I
18 have to say comes from the point of view of a beef
19 producer, but my sense is that other livestock
20 producers and producers of produce would have
21 similar points.

22 Of all the local beef consumed in
23 New York City, it represents maybe one-tenth of
24 one percent of the 800,000 beef animals consumed.
25 This gives some idea of where we are, but also

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2 some sense of how even modest city purchasing can
3 do a lot to expand regional food systems.

4 Yet, the meat producing capacity of
5 New York State grassland represents an enormous
6 opportunity for providing local meats to New York
7 City. Citing data from the agricultural census,
8 the Green Grass Green Jobs report identifies three
9 million acres of pastureland that is unused
10 upstate. That's enough grassland to produce all
11 the beef eaten in New York City, without the
12 Midwest, without feed lots, without their
13 environmental damage, without subsidized corn and
14 soybeans, without antibiotics in animal feed or
15 hormone implants in animals.

16 A transition from dairy to grass
17 based meat production is occurring in upstate New
18 York. Most farmers are reluctant to change their
19 production goals because of uncertainty about the
20 market.

21 I have two suggestions concerning
22 #452. The first concern is goals setting by city
23 purchasers and the second concerns a need for
24 pricing that realistically reflects the value and
25 cost embedded in the food products that are being

1
2 produced, including the cost to produce food which
3 creates savings on health and environmental
4 externalities.

5 The goals for local purchasing in
6 the proposed law appear too weak as written. The
7 wording of the proposed purchase law is to make
8 best efforts to purchase New York State food.
9 Maybe I'm pessimistic, but that does not sound
10 like a mandate for action.

11 I would ask you to set a goal, say
12 5 percent. For School Food, that would mean 500
13 cattle. You've suddenly increased the consumption
14 of local beef in New York City by around 50
15 percent. Farmers will know you're serious.
16 They'll know there's a market. They'll invest to
17 expand. Other large scale buyers, like
18 supermarket chains will then be able to step up
19 and find local beef for their stores.

20 A specific goal is an investment in
21 creating food production and distribution
22 infrastructure that can provide food for the whole
23 city. It's like investing in a bridge or a road.

24 CHAIRPERSON MEALY: Go ahead.

25 KENNETH JAFFE: Okay. My second

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2 comment concerns cost. FoodWorks, page 50, says
3 what we all know is true. The cost per calorie
4 for healthier food is higher than for unhealthy
5 food. As a purchaser, the City has to decide what
6 type of food it wants to buy. The proposed law
7 says guidelines established pursuant to this
8 section shall be implemented only to the extent
9 they do not result in an increase in expenditure
10 for agencies.

11 CHAIRPERSON MEALY: In conclusion?

12 KENNETH JAFFE: Just very briefly,
13 producing food that meets FoodWorks standards,
14 especially livestock, is more expensive. You can
15 either pay for it at the time you buy the food or
16 you can pay for it at HHC or when you have
17 resistant strains of antibiotics from feeding
18 livestock massive amounts of bacteria.

19 My last point concerns the largest
20 risk to food systems locally, which is pollution
21 from hydrofracking. Agricultural and food safety
22 is at particular risk. New York was early to
23 understand the risk of hydrofracking and has taken
24 strong steps to protect its watershed against
25 pollution.

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2 It's important that New York City
3 understand the threat to its food shed as well.
4 Gas drilling is proposed in essentially all of
5 southern New York State west of the Hudson. This
6 encompasses the majority of the most productive
7 agricultural land in New York State, New York
8 City's food shed. I ask you to take the same
9 strong steps to protect your food as you have
10 taken to protect your water and to read the New
11 York Times series on hydrofracking.

12 CHAIRPERSON MEALY: Thank you. I'm
13 glad we extended it a little. Thank you. Do you
14 have a question?

15 COUNCIL MEMBER BREWER: Thank you
16 very much. This is a fascinating hearing. It's
17 good to be working with the Council and the
18 Administration. I think we all have the same
19 goals; it's just a question of getting there.

20 My question for Ken Jaffe is,
21 again, what we asked before, but you mentioned
22 some changes with the legislation which I would
23 certainly support. We have to work with the
24 Council staff and the Administration. What are
25 some other impediments? Obviously you talked

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2 about the 5 percent would be a goal, but are there
3 distribution impediments, are there distributor
4 impediments? Are there other impediments that
5 might be administratively dealt with that you
6 could see would be of assistance in getting your
7 wonderful beef but also all farmers' livestock to
8 the New York City market in terms of the city
9 agencies?

10 KENNETH JAFFE: There are
11 impediments in all of those areas. I would say
12 the biggest impediment is certainty of the market.
13 That's something that you guys have control over.
14 I think you can make modest goals. I mean, if you
15 said you wanted to procure local beef for the city
16 school system exclusively, that would be 10,000
17 beef animals, which simply are not available.

18 So I think in the livestock realm,
19 especially, the goals have to be realistic. But
20 even very modest goals would cause everything to
21 scale up. People would invest in their herds,
22 they would invest in their genetics, and livestock
23 processors would expand. Regional access: my
24 distributor would buy more trucks. It would all
25 happen. I think the market is the key issue.

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COUNCIL MEMBER BREWER: Anybody else want to add to that, in terms of NRDC?

MARK IZEMAN: Just to add to Ken's excellent point and to further this analogy with New York City's recycling law, I mean one of the main reasons, back 20 years ago is the market said we need a strong signal that it's serious about recycling. If it had been drafted as sort of a voluntary we'll see how it goes kind of way, it wouldn't have provided that market signal.

When the city said we're going to make recycling mandatory for the whole city and we're going to actually have levels that we're going to try to reach, that then sends a signal to the market that the City of New York is serious. So in the same way, setting modest, as Ken points out, goals that would slowly increase the amount of food that the city is purchasing would give the market some of the confidence that it needs.

Obviously, there are plenty of other issues we need to deal with. But we agree that that would be a great first step. That's why, with modest changes to your excellent piece of legislation, we could accomplish that.

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2 COUNCIL MEMBER BREWER: You want to
3 add anything in terms of WE ACT? Thank you,
4 Madame Chair.

5 CHAIRPERSON MEALY: Thank you for
6 that modest change. Thank you so much. We'll
7 have a different panel now. Thank you so much.
8 Just in case, Mr. David Merango, is he here? The
9 next panel is Adrian Down, Bonnie Betancourt, Ken
10 Diamondstone.

11 My colleagues, we have another
12 caucus starting now. That's why my other
13 colleagues had to go. Yes, Betancourt from
14 American Chemistry Council. Please give it to the
15 sergeant-at-arms. Ms. Adrian? Ms. Arden Down,
16 you can start. Thank you. Could you turn on the
17 mike please?

18 I appreciate the opportunity to
19 testify. My testimony is really regarding 628,
20 because I'm talking about packaging materials
21 used. I've been delighted to hear how much
22 recycling is going on. It's wonderful. I have
23 not heard the word Styrofoam, until I'm going to
24 sing it.

25 CHAIRPERSON MEALY: You did

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introduce yourself, right?

ARDEN DOWN: Yes, Arden Down. I'm with the Women's City Club of New York. I'm the Chair of the Environment and Infrastructure Committee.

CHAIRPERSON MEALY: Thank you.

ARDEN DOWN: We urge the enactment of a law requiring that materials used in food production, storage and delivery containers be recyclable or biodegradable. I don't know what happens once they get to the city, but when I go to Food Emporium, food is packaged in Styrofoam. Meat is packed in Styrofoam. If I go to visit someone in a hospital, they're drinking coffee out of a Styrofoam cup. Approximately 850,000 Styrofoam school trays are discarded daily in New York City. So once it gets here, the Styrofoam starts over.

The food served on Styrofoam allows chemicals to leach into the food eaten by our children, especially warm food. It just leaches out. Regarding the food not being packaged or served in Styrofoam, requiring that the food not be packaged or served in Styrofoam, but solely in

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2 containers on school lunch trays made of
3 recyclable material or of washable, reusable
4 materials would directly decrease the amount of
5 dangerous chemicals we and our children ingest.

6 So in conclusion, the Women's City
7 Club of New York urges the Council to pass
8 legislation banning the use of Styrofoam in all
9 food services. I'll be back tomorrow to talk
10 about hydrofracking. I thank Ken Jaffe for
11 bringing it up today.

12 CHAIRPERSON MEALY: Thank you, Ms.
13 Down. Mr. Ken Diamondstone?

14 KEN DIAMONDSTONE: Good afternoon,
15 members of the committee and Chairperson Mealy. I
16 want to thank you for the opportunity to testify
17 on behalf of the Brooklyn Solid Waste Advisory
18 Board. My name is Ken Diamondstone, Chair of the
19 Brooklyn SWAB, an entity that was established by
20 the City Council under Local Law 19 of 1989 and
21 charged with the role of bringing informed
22 community voices regarding waste and recycling to
23 the attention of public officials.

24 I want to assure you of our strong
25 support for Intro 461 and Resolution 628, and hope

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2 that the results of this critical effort will be a
3 comprehensive set of mandatory--I wish

4 Councilwoman Brewer were here--mandatory policy--

5 CHAIRPERSON MEALY: [interposing]

6 She will come back.

7 KEN DIAMONDSTONE: --mandatory

8 policy guidelines for DCAS, the purchasing arm of
9 the city. But equally important will be to find a
10 way to implement and enforce these regulations on
11 mayoral agency purchasing agents, the majority of
12 whose contracts are considered "micro" under
13 \$5,000 or small, under \$100,000.

14 Such purchases are currently exempt
15 from certain environmentally preferable purchasing
16 requirements that City Council promulgated under
17 Local Law 121 of 2005. While purchasing agents
18 are urged to follow EPP guidelines by the Mayor's
19 Office of Contract Services for micro and small
20 purchases, they are not obligated to do so.

21 It is our hope they will not be
22 exempt from any new packaging requirements since
23 between 82 and 93 percent of all purchase orders
24 fall into those two categories of micro or small.

25 The Brooklyn Solid Waste Advisory

1
2 Board admittedly has little expertise in packaging
3 regulations, but today we would like to suggest
4 several useful resources available to the
5 committee to help undertake this effort. We not
6 that many nations, states and cities have prepared
7 the way with their own best practices for
8 packaging. Canada, England and many European
9 countries have current regulations which regulate
10 packaging.

11 It may also be useful to refer to
12 the California Product Stewardship Council, CPSC,
13 for its standards and to, of all places,
14 Amazon.com, regarding their frustration-free
15 packaging. Frustration-free packaging is
16 certified recyclable, comes without any clamshell
17 casings, plastic bindings, air bubble wrap or wire
18 ties. All of Amazon's frustration-free packages
19 are designed to be opened without knife or box
20 cutter. Amazon works directly with manufacturers
21 who sell on Amazon.com, and in addition, Amazon
22 has software which designs packaging based on
23 weight and size.

24 Another likely resource may be the
25 office of Congressman Anthony Weiner of New York

1
2 who in 2009 introduced legislation calling for the
3 EPA to reduce wasteful packaging by 30 percent in
4 ten years for items purchased by the federal
5 government.

6 A very significant resource would
7 be the consulting firm MBDC, McDonough Braungart
8 Design Chemistry, which has created a term called
9 "cradle to cradle" designation for many products
10 in many industries including packaging. May I
11 continue? I have about another minute to go.

12 CHAIRPERSON MEALY: Yes.

13 KEN DIAMONDSTONE: Thanks. They
14 have often been consultant to those industries as
15 well as governments, including the City of
16 Chicago, U.S. Air Force and the Federal EPA
17 regarding various environmental metrics and
18 sustainability of packaging.

19 It would be our hope that during
20 this process of creating packaging regulations,
21 that the committee also evaluate the toxicity of
22 the materials used in packaging, energy expended
23 to produce it and change that word that you see to
24 water pollution created in the manufacture of the
25 packaging, and overall carbon footprint of the

1
2 packaging material and add those metrics to your
3 decision making.

4 We are therefore respectfully
5 requesting that proposed Intro 461 and Resolution
6 628 be amended to include those additional
7 metrics. Establishing parameters for packaging
8 will likely have an enormous impact on the
9 manufacturers of the thousands of items this city
10 procures. It will accelerate the movement towards
11 extended producer responsibility which holds
12 manufacturers responsible for the cost of waste
13 they produce, rather than forcing the municipality
14 and taxpayers to shoulder those burdens.

15 Finally, we want to briefly mention
16 our support for Intro 452 and Resolution 627
17 regarding the purchase of food from the New York
18 region. It's our belief, and we can only address
19 the sustainability issue here, it is our belief
20 that such local producers, as opposed to big
21 agribusiness, greatly reduces the amount of
22 wasteful packaging in the transport of their
23 products.

24 CHAIRPERSON MEALY: Thank you. Mr.
25 Bonnie?

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BONNIE BETANCOURT: Is this on?

Yes, it is. Hi, my name is Bonnie Betancourt. I am here on behalf of the American Chemistry Council, more specifically our plastics division. Our director of packaging, Ashley Carlson was not able to be here, so I'm here on her behalf.

We wanted to express our support for Intro 461. Our association represents many plastic producers in New York and across the country. Our association and our member companies strongly support packaging policies that are based on lifecycle of the product from manufacturer to disposal and takes into account such things as reduced greenhouse gas emissions and reduction of energy and waste in the manufacturing process.

We basically support efforts to reduce, reuse and recycle and wanted to remind the committee that we supported the plastic bag recycling law and also the recent expansion of the rigid plastic container recycling program here in the city.

We wanted to offer a couple of examples for the committee's consideration. Many companies today are acutely aware of the public's

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interest in sustainability and reduction in energy and waste use.

Two examples that I can offer is the Kraft brand with respect to Miracle Whip. They changed their jar from glass to plastic actually and because of the decrease in weight, were able to load more pallets of products to fit on a reduced number of trucks. So that was able to reduce the number of trucks on the road delivering the product, which was able to save 87,000 gallons of fuel on an annual basis. That's one example.

Another one is Peter Pan with respect to the peanut butter. It reduced the amount of plastic in its jars by 12 percent. That was able to eliminate enough plastic that would fill 24 garbage trucks a year with solid waste. So those are a couple of examples.

Our plastics division is continually doing research on packaging issues in the country, including recycling rates. We annually commission a research report from a firm that specifically tracks the plastics industry and recycling trends.

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2 I'm happy to report that we're
3 seeing a continued increase in recycling rates for
4 rigid plastic containers. We have a specific,
5 what we call a non-bottle rigid recycling report.
6 So it's for rigid plastic containers that are not
7 plastic bottles but other types like tubs and
8 containers. We're seeing double-digit increases
9 in those recycling rates.

10 For instance, in 2008 we saw a 47
11 percent increase from the prior year. From 2009,
12 we saw a 33 percent increase. That report is
13 actually available on our public website. If the
14 committee is interested, I can make sure that you
15 get a copy of that particular report.

16 The only other caveat I wanted to
17 offer is the Mayor's Office also noted this
18 particular tweak in Intro 421 with regard to
19 compostable packaging. That is actually
20 biochemically different from recyclable plastic.
21 I wanted to just offer a caveat that if the city
22 is to express interest in compostable packaging,
23 it actually requires an industrial composting
24 facility to handle that specifically.

25 Two things to consider: compostable

1
2 plastic does not break down in landfills if it's
3 sent there. That's a misconception among a lot of
4 the public that compostable means it's just going
5 to break down. Landfills are actually engineered
6 to contain and compact solid waste and nothing
7 breaks down in those layers, including compostable
8 because it requires a very specific environment
9 for that to break down.

10 An industrial composting facility
11 is able to do that. Unfortunately, we're not
12 aware of any in the State of New York that's
13 regionally close to the city. So if you did
14 include that in your guidelines and you started
15 receiving compostable packages, if that was
16 included in the rigid plastic container recycling
17 stream, it actually is considered a contaminant
18 because it's chemically different.

19 The recycling industry, if they are
20 aware that a compostable plastic is included in
21 those lots or batches, they have to throw out the
22 entire thing. So I just wanted to bring that to
23 your attention.

24 CHAIRPERSON MEALY: That's
25 informative, and very helpful.

1
2 BONNIE BETANCOURT: But otherwise,
3 we support Intro 461 and I'm happy to be here to
4 say it.

5 CHAIRPERSON MEALY: Thank you so
6 much. Ms. Brewer, would you like to--

7 COUNCIL MEMBER BREWER:
8 [interposing] No, I have no questions.

9 CHAIRPERSON MEALY: Okay. How
10 would we get other agencies to start thinking
11 about packaging, other vendors? Is it educating
12 them or maybe we should send out something to have
13 them mandated that they would package smarter?

14 KEN DIAMONDSTONE: I just think
15 that the word mandate, as Councilwoman Brewer said
16 before, is part and parcel of this. That if you
17 direct the RFP to include language that requires
18 compliance with specifications then that's what
19 will come. They will respond with that.

20 CHAIRPERSON MEALY: Thank you so
21 much. All right, we'll have our next panel. We
22 have to continue a dialogue. This is our last
23 panel. Ms. Hilary Baum, Paula Segal, Daniel
24 Bowman Simon, Hannah Bernhardt. This is our final
25 panel. We've gotten a wealth of information today

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that we definitely have to utilize, partnering together. Anyone can start first. Ms. Hilary?

HILARY BAUM: Thank you. Hi, good afternoon. My name is Hilary Baum. I'm going to be very brief. I'm a resident of the Bronx, a founding member of Food Systems Network NYC and Director of Baum Forum, a not-for-profit producer of public programs on critical food and farming issues.

I've been involved in the development of farmers markets and public markets, agricultural marketing programs, food businesses and community supported agriculture for many years. I want to express my support for the four resolutions you are considering today, especially Intro 452, a Local Law which strengthens local food procurement by city agencies and requires them to report their successes or failures.

I want to commend Council Member Gale Brewer for introducing this groundbreaking legislation and also recognize the significant achievement of Speaker Christine Quinn in creating the context for this in the recently published FoodWorks, a vision for New York City's food

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system.

I've been part of the food movement since the early 1980s, shortly after returning to the city after several years in beautiful but impoverished Delaware County in upstate New York. Ever since, I have devoted my working life to preserving local and regional agriculture with a special place in my heart for Delaware County's rolling farmscape, especially where it meets the Catskills near the northern edge of the city's designated watershed area, in the heart of the Marcellus Shale.

There has never been a more urgent time to recognize and safeguard the interdependence of New York's urban and rural communities. Council Member Brewer's legislation proposes that the city's purchasing power be used to support New York State's farmers, a relationship that will benefit low income residents both upstate and down by improving food choices, generating jobs and protecting the landscape. The rapid implementation of this legislation has a chance to make a real difference for farmers staying in farming and it can enhance

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New York City's role as a leader in progressive food policy.

There has never been a more urgent time for all New Yorkers to realize that by preserving and strengthening our region's agriculture we have what may be our last chance to protect our drinking water and the ecosystem that sustains and to mount a strong defense against the depredations of hydrofracking throughout the state. That includes the entire foodshed as well as New York City's watershed.

I was invited recently to speak at the Upper Delaware River Valley Roundtable, a regional group of activists, farmers, artists, conservationists, doctors, business owners and planners from New York and Pennsylvania who are fighting the permanent pollution of our shared environment by national gas companies.

There has never been a more urgent time for us to bolster the fragile upstate agricultural economy as it faces the onslaught of well financed gas companies who are all too happy to brush aside concerns about the safety of their activities, as documented in a major front page

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story in yesterday's New York Times.

The roundtable wanted to hear about how we in the big city can help sustain upstate farms. I was proud to say that not only do we urbanites, food businesses and institutions have a huge appetite for regionally produced healthy fresh fruits and vegetables, meat and poultry, but our City Council is about to pass legislation that will strongly encourage New York City agencies to purchase these foods and thereby strengthen the regional agricultural economy and the environment. Thank you.

CHAIRPERSON MEALY: Thank you.

PAULA SEGAL: Hi, my name is Paula Segal. I am a law student at the City University of New York Law School and I'm also a member of the Brooklyn Food Coalition Policy Working Group and a longtime member of the Park Slope Food Co-op.

I'm testifying here today in support of Introduction 452. I commend the Council and Council Member Brewer for continuing the conversation that was started with FoodWorks and now focusing on how city agencies can use

1
2 their power as consumers and purchasers of food.

3 However, I encourage the Council to
4 alter the language of the proposed law to focus on
5 the purchase of food from the New York region and
6 to define the region as a food shed that
7 transcends state lines, a region that certainly
8 includes New York State but likely also includes
9 parts of New Jersey, Connecticut, and
10 Pennsylvania.

11 A visit to any farmers market in
12 the five boroughs or the Park Slope Co-op, an
13 institution that has implemented geographic
14 preferencing in its purchasing protocols will show
15 that our local foodshed is not bounded by
16 political lines.

17 Food produced in the region has all
18 the environmental benefits of food produced in New
19 York State. Specifically, bringing such food into
20 New York City lowers food miles and has other
21 established environmental benefits that will be
22 felt by city residents and improves the quality
23 and healthfulness of produce that is being eaten
24 by people who are fed by the city agency because
25 that produce will be fresher and more varied and

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has demonstrated nutritional benefits.

Providing preferences for regional buying by large institutional purchasers of food also serves to support the regional farming economy and therefore reduce the pressure that was just so eloquently described for farmers to sell easements to oil companies seeking to extract natural gas from their land through hydrofracking.

Council Resolution 627, calling on a change in the State General Municipal Law to include the region language actually reflects this. It'd be nice to see the City Local Law reflect that as well.

In addition, I hope this conversation will transcend the limits of the Council's jurisdiction and extend to the largest agency purchasers of food in New York City, specifically the Department of Education and Health and Hospitals Corporation. Thank you.

CHAIRPERSON MEALY: Thank you for being involved. Miss Hannah.

HANNAH BERNHARDT: Hi, my name is Hannah Bernhardt. I'm here on behalf of the Greenhorns, a nonprofit that works to recruit,

1
2 support and promote young farmers in America and
3 the National Young Farmers Coalition, which
4 advocates for policies that help young people get
5 started farming.

6 The average age of the American
7 farmer is 57-years-old, and as these farmers
8 retire, many people, including USDA Secretary
9 Vilsack have recognized that we need new young
10 farmers to fill the void and keep the land in
11 agricultural production.

12 There are many young people already
13 pursuing farming careers and even more who are
14 interested in getting started. These young people
15 are more likely to be college educated, interested
16 in environmentally sustainable practices and well
17 versed in food justice issues. However, they are
18 less likely to be from a farm background and face
19 many barriers to entry, including access to
20 capital and access to land.

21 It's important to note that they
22 are choosing to enter a career that requires hard
23 physical labor and low profitability, especially
24 in the startup phase, because they believe that
25 changing our food system is necessary to

1
2 confronting the problems facing our environment,
3 our economy and our communities struggling to
4 address social inequalities.

5 These young people are eager for
6 our local, state and federal governments to start
7 recognizing the work they are doing to revitalize
8 our countryside and feed our cities fresh healthy
9 food.

10 New York City is a huge market and
11 these rules would help young farmers access it and
12 allow those interested in getting started to
13 create farm businesses within the New York metro
14 foodshed that are economically viable. Thank you.

15 CHAIRPERSON MEALY: Thank you. Mr.
16 Daniel Bowman Simon?

17 DANIEL BOWMAN SIMON: Are these new
18 mikes?

19 CHAIRPERSON MEALY: Yes, they are.

20 DANIEL BOWMAN SIMON: They're very
21 good. Hi, my name is Daniel Bowman Simon. Thanks
22 to Speaker Quinn and Councilwoman Mealy and Brewer
23 and your amazing staff for holding this hearing
24 and for genuinely caring about a good food future.

25 In my scramble to get out of the

1
2 house this morning, I stopped to think about why I
3 was going to spend another afternoon in a crowded,
4 hot, windowless room listening to nuanced
5 testimony. Of course, I say that with all due
6 respect to everyone at City Council who has to sit
7 through many, many more of these hearings than I
8 do.

9 I was looking for my copy of Hints
10 to Housewives by Mayor Mitchel's Food Supply
11 Committee. This is a guidebook from New York
12 City's Mayor Mitchel, which had some nice ideas on
13 good food back in 1917. I came across this photo.
14 So I hope you'll indulge me a personal story that
15 might explain why I've spent the past few hours
16 here.

17 This is a photo of Menachem Mendel
18 Cornrech [phonetic]. He was my great-great-
19 grandfather. He was a farmer in Belgium. When
20 the news came that the Nazis were coming, he told
21 my great-grandparents and my grandma, who was 8
22 that they should go to a safer place but that he
23 was too old and that he would stay on his land to
24 stand for what he stood upon. The Nazis came to
25 get him and he was the last farmer in my family.

1
2 So what does a farmer in Belgium,
3 dead for more than seven decades, have to do with
4 local procurement in New York City in 2011? Well,
5 every single person who is in this room who lives
6 in this city shares common roots in agriculture.
7 Every single person in this room has ancestry who
8 worked the land. Some may be able to identify the
9 last farmer in their family, some may not, but it
10 is embedded in our DNA.

11 When all of our ancestors left the
12 land, as in the case of my great-grandfather, it's
13 not always for greener pastures. Every single day
14 in New York State farmers are struggling to stay
15 on the land. They may not all be here today since
16 they're busy farming or in some lucky cases, right
17 up the block making healthy fresh food available
18 to New Yorkers at Union Square, which is where
19 I'll go after this is done. But they all need our
20 support, beyond just the small scale farmers
21 markets.

22 By passing laws that make
23 provisions to allow New York farmers to win a New
24 York City competitive bid, we will be protecting
25 farms, protecting and increasing jobs and building

1
2 a stronger tax base. A stronger tax base, in
3 theory, equates to a more robust budget for New
4 York.

5 Also, the better infrastructures
6 will allow the price to come down generally and
7 make healthy local food more affordable for those
8 who cannot otherwise afford it. Farmers make
9 great neighbors. From a historical perspective,
10 saving farms is something we can all relate to.

11 I just want to note that this idea
12 of local procurement in the global marketplace is
13 not the first time that local procurement in New
14 York has been discussed. Thirty years ago, in
15 1981, *The New York City Food System: Growing
16 Closer to Home* was published by Cornucopia Project
17 of Rodale Press.

18 It was published due to concerns of
19 heavy dependence on imported food, which they knew
20 meant that our supply is vulnerable to disruption,
21 our system wastes huge amounts of energy, we pay
22 more for less tasty, less nutritious food and our
23 local economy is weakened.

24 Local procurement isn't rocket
25 science, but unfortunately when this report was

1
2 published, it was widely ignored. I was one-
3 years-old, so it was a bit above my reading level.
4 I was playing with my favorite toys which were
5 frozen brussel sprouts. But this report has many
6 commonsense well-thought-out ideas still valid
7 today. So I'll submit into the record the full
8 text of this report for your reference.

9 In conclusion, I'll just say that
10 the Council knows well that commonsense well-
11 thought-out ideas do not always translate to
12 political might. So I just want to offer a couple
13 quick ideas on how to build political will for
14 more and more local procurement.

15 The first is gardens. The just
16 released 2010 USDA dietary guidelines selected
17 messages for consumers recommends that all
18 Americans make half your plate fruit and
19 vegetables. That can be difficult to do. Luckily
20 for us, the USDA dietary guidelines for the first
21 time ever recommended empowering individuals and
22 families with improved nutrition literacy,
23 gardening and cooking skills to heighten enjoyment
24 of preparing and consuming healthy foods.

25 Guess what? I won't say it here

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but it's in my testimony. The Speaker and the Mayor, they've both acknowledged this. They get it. If the Council and Administration offered more support for gardening in schools, on city lands, if they worked with HRA to raise awareness that seeds and food producing plants can be purchased with food stamps, demand for more local procurement would grow and grow beyond just what the gardeners can produce themselves.

Finally, I would suggest a listening tour in person or at least virtual. The Council should reach out to all New York State farmers, whether or not they can come to a hearing and survey them as to how local procurement contracts with the City of New York would help save their farms and grow their businesses.

These farmer testimonials will prove absolutely invaluable in building support in the state legislature which is sometimes not so simple, coming from a New York City resolution.

So I commend you all for holding this hearing. Thank you for letting me go over time. If done properly, the bounty of these hearings will be delicious win/win/win for all New

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Yorkers. Thank you.

CHAIRPERSON MEALY: Wow, now that was--yes. I'm glad we ended with you. Just thinking about one of the TV programs said they're doing it I believe tonight, they're going to do a study on what is made in America. They're going to go through someone's house and see how much or what was made totally in America. It probably will be half of the house or nothing in the house.

So for us to grow what we eat right here in the city would be excellent and for this region. I just want to thank everyone for responding to this hearing. Council Member Brewer has a question.

COUNCIL MEMBER BREWER: Very quickly. Thank you, Madame Chair. Hilary, since you have the background for many years like I do, do you have any other suggestions between the folks in Delaware and us in the market that would help do the win/win suggestion that our last speaker suggested? Are there some specifics?

HILARY BAUM: Well, I think that even though it wasn't addressed in this, but I've heard previous speakers, including Ken Jaffe talk

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2 about infrastructure. I think that's really,
3 really critical for the city to be investing in
4 infrastructure. In particular, I think we very
5 much need the wholesale farmers market for New
6 York City. That's something that we really need
7 to address, perhaps in another hearing, but I
8 would say that that would make a very big
9 difference for a lot of farmers.

10 COUNCIL MEMBER BREWER: Are you a
11 farmer, young farmers? I know you're representing
12 them. Are you actually one yourself?

13 HANNAH BERNHARDT: I'm not right
14 now. I would like to be.

15 COUNCIL MEMBER BREWER: Okay. Are
16 there more impediments even than what you
17 addressed in terms of young farmers? There have
18 been articles in the paper. We have some that
19 some folks who testified today, but are there even
20 more impediments than what you listed?

21 HANNAH BERNHARDT: Sure. I do
22 think infrastructure would be a big help. There
23 are bigger issues as well, but I think access to
24 capital is huge. Anything to keep a farmer
25 economically viable is huge. There's a lot of

1
2 competition and a lot of it's unfair competition.
3 So anything that could help keep us in business.

4 COUNCIL MEMBER BREWER: Thanks,
5 Madame Chair.

6 CHAIRPERSON MEALY: Thank you. We
7 in the City Council must respond to the challenges
8 in our food system. Whether we are talking about
9 the procurement of food, the challenges associated
10 with food disposal or the packaging and
11 transportation of goods, we must cut costs while
12 lending a hand to New Yorkers and support regional
13 farmers, ensuring agriculture support prosperity.

14 This is consistent with the vision
15 that Speaker Christine Quinn has outlined. The
16 goals here are to reduce cost, provide quality
17 goods and protecting our environment. I would
18 like to thank Sarah Brannen of the policy division
19 for her work on FoodWorks and for her assistance
20 in helping prepare for this hearing today.

21 I would also like to thank Jake
22 Luce, who I know he just left recently, and Maria
23 Osorio of MOCS for staying to hear the testimonies
24 of everyone because this is a very important
25 hearing that we know we will have another hearing

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to make sure that we start eating, producing,

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packaging in our region. Thank you. This hearing

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is now adjourned.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature *Donna Hintze*

Date March 15, 2011