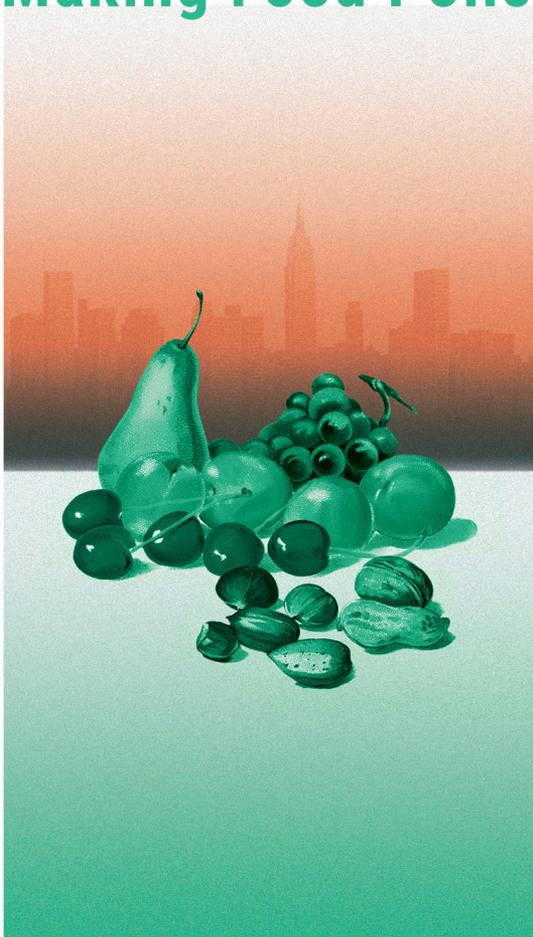


Making Food Policy in New York

The CUNY Urban Food Policy Institute



Guide to Food Governance

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In the last decade, New York City has created dozens of new food policies and programs to improve nutritional well-being, promote food security, create food systems that support community and economic development and achieve other important goals. These initiatives build on the city's prior efforts to create healthier food environments and use existing and new governance mechanisms to consider, enact and implement changes in how New York City produces, distributes and consumes the food that sustains its residents.

The CUNY Urban Food Policy Institute, a research action center at the CUNY Graduate School of Public Health and Health Policy, seeks to advance food equity in New York City and other urban areas by contributing evidence that can guide fair and effective policies. In this two-part report, the Institute analyzes changes in food policy in New York City since 2008. Our goal is to assist policy makers, advocates, health and food professionals, community groups and city residents to understand what has been accomplished in food policy over the last decade so that we can chart goals and strategies for the next decade. Part 1, this report, *the CUNY Urban Food Policy Institute Guide to Food Governance in New York City* provides an overview of how food policy gets made in New York. Part 2, to be released later in 2017, assesses the changes in food policy in the last decade and identifies some lessons for planning food policy in the coming decade.

In this guide, "government" describes a body that makes and implements binding decisions for which it has legal authority for the residents and businesses in a defined geographic area. "Governance", on the other hand, is a broader term that includes the roles that civil society, businesses, communities and residents play in shaping government responses to public problems.

Food policy describe the laws and regulations that govern the production, distribution, and consumption of food. It includes legislation, executive orders, rule changes, demonstration projects, program expansion or elimination, capital investments and budget allocations, grant programs, reporting requirements, certifications and enforcement, programs, and government agency rules and regulations. Since our food system is also influenced by policies in other sectors such as environmental protection, land use, labor rights, health care and housing, food policy advocates also need to understand the rules that shape policy-making across sectors.

For food policy to contribute to improvements in health and other public goals, different sectors and levels of government and outside groups need to work together to define goals, then develop and implement strategies to achieve these aims. This Guide provides a roadmap for this journey.

It describes the role in food policy of each branch of government—executive, legislative and judicial—at the city and state levels. Examples of specific food policies enacted over the last decade are used to illustrate how these different public entities have used their authority to create the current food policy landscape. It also briefly examines some of the ways that federal government food policies affect New York City’s food environment.

Since many actors outside government participate in food governance, the Guide also examines the role of community-based and municipal nonprofit organizations, food businesses and their trade associations, universities and labor unions and worker organizations in the food sector, in shaping food policies.

Finally, the Guide explains the different strategies and vehicles used to shape food policy by those inside government, including legislation, executive orders, budgets and demonstration projects. It also describes the strategies used by those working outside government, including participatory budgeting, litigation, legislative advocacy, citywide and community-based mobilization campaigns, and electoral forums and evaluates the efficacy and limitations of each.

The CUNY Urban Food Policy Institute Guide to Food Governance in New York City hopes to assist readers to comprehend the elaborate dance of politics and governance as it plays out in New York City. By deepening New Yorkers’ understanding of who has what power to change food policies and how the different branches and levels of government work together—or against each other—to create New York City’s food policy landscape, we hope the Guide will help readers create food policies that will make New York City a showcase for fair, effective and equitable food policies.

Read the Full Report. •

Creating healthier, more equitable food environments for all New Yorkers requires policy makers and advocates to master two bodies of knowledge. First, we need to understand how food systems work to shape who gets what to eat. Second, and equally important, we need to comprehend the elaborate dance of politics and governance. Who has what power to change what food policies? How do the different branches and levels of government work together—or against each other—to decide how food is regulated, what is served in school cafeterias, how much food workers get paid, or what incentives encourage food stores to sell healthy or regionally grown food?

Changes in food policy in New York City in the last decade have been driven by three powerful motors. The first, city government, including the mayor and his executive agencies, City Council, borough presidents, and others, has developed and launched new policies and programs in health, food retail, institutional food, food benefits, and other domains. Their actions are in turn influenced by state and federal food policies. The second motor, community food organizations, food and anti-hunger activists, food workers groups, and the food justice movement, has mobilized communities, pressured policy makers, educated neighbors and created alternative programs to fix food problems they have identified. Each of these players is essential; neither on its own can bring about the trans-

formation New York City’s food system needs. The third —mostly invisible but occasionally wielding its extensive power—is the food industry, from small businesses to giant multinational food corporations and their trade associations. How can those who want to change food policy find their way through the complex and obscure pathways that lead to meaningful reform?

Food
Governance
in New York
City



Grocery store
worker stocking
eggs.

Photo by
Alex Barth

This guide provides readers with some of the information they need to answer these questions. Our goal is to help the many constituencies who shape food policy—voters, activists, health professionals, labor unions, policy makers, food businesses, community leaders and policy makers—to develop a deeper understanding of some of the ways that city, state and federal governments shape food policy as it plays out in New York City and State. Our aim is to assist New Yorkers to identify opportunities and strategies for creating more effective, equitable food policies. Readers who want additional information on the history, structure and politics of food policy in New York are encouraged to consult the resource list at the end of this guide. •

City Level Roles in Food Policy

Executive Branch

Mayor's Office

The mayor is the chief executive of New York City and leads the executive branch of the city's government. This office oversees the municipal budget and administers services, and public agencies. The mayor controls the city's policy agenda and is required to report on various progress indicators to City Council, borough presidents, and community boards. The decision of current New York City Mayor Bill de Blasio (D; who took office in 2014) to make food waste reduction a priority illustrates how a mayor can use his power to change food policy. As part of a broader commitment to achieve Zero Waste by 2030, a major goal of *OneNYC: The Plan for a Strong and Just City*¹, the Mayor's Office proposed several rule changes that would require large-scale food establishments, vendors, manufacturers, and wholesalers to participate in organics recycling. The goal is to divert 50,000 tons of food waste per year.² In making waste reduction part of the *OneNYC* agenda, Mayor de Blasio called attention to the issue and strengthened and added enforcement actions to the legislative actions of the City Council, ultimately accelerating progress toward adoption of a citywide organic waste recovery policy.

Prior to the 2015 release of *OneNYC*, the City Council and former Mayor Bloomberg acted to bring about changes to the way that city government manages food waste, including a residential compost pilot program, a school compost pilot program, and requirements for commercial businesses to separate and cart their organics. This example shows one of the many ways that the current and previous mayors have used the “bully pulpit” of their office and legislation to widen the city's role in shaping food



New York City Hall

Photo by **Momos**

policy. It also shows that despite their policy and political differences, the two mayors shared common goals on food policy.

During Mayor Bloomberg's terms, New York City enacted legislative and programmatic changes on many food policy issues. Achievements include a ban on trans fats, agency food standard requirements, menu calorie labeling, and establishing programs like Green Carts, Health Bucks, and Food Retail Expansion to Support Health (FRESH), among others.³ In 2007, the mayor created a new Office of the Director of Food Policy, an office and position which, as described below, has served to bring together food policy initiatives across the city's executive branch. Bloomberg also frequently turned to the New York City Board of Health (described below) to enact food policies, a strategy that allowed the city to make changes without going to the City Council for legislative approval.

The mayor's role in the city's budget process can also be a powerful tool for changing policy. Each January, the mayor presents a preliminary budget—an outline of his priorities and goals for the city. The council then modifies this budget to reflect its priorities. By convincing the mayor to allocate funds for creating new health department food initiatives or increasing city support for school food programs, advocates can secure funding for policy changes.

NYC Food Governance *A Closer Look*

Unlike many other large cities, New York has not created a food policy council, a group typically composed of different stakeholders that develops and tracks food policies. Legislation to establish a food policy council in New York City was proposed in 2014 but failed to pass.⁴ Proponents argued that such a council could engage more constituencies in shaping food policy, while critics, who ultimately prevailed, feared that such a council could lead to more attention to procedural than substantive issues, bogging down policy makers and advocates in endless debates rather than action. Instead, food governance is distributed among different agencies in coordination with the mayor's director of food policy and with advocates from numerous non-profit and academic groups with a stake in food policy.

The Office of the Director of Food Policy

In November 2006, Mayor Bloomberg and City Council Speaker Christine Quinn announced the creation of the position of food policy coordinator, later renamed the food policy director, which was codified in 2008 by Executive Order No. 122.⁵ The position was created within the Office of the Mayor to focus and expand the city's efforts to provide food assistance and access to healthy foods, and the office "works to advance the city's efforts to increase food security, promote access to and awareness of healthy food, and support economic opportunity and environmental sustainability in the food system."⁶ As the role of the office has evolved, the food policy director has played an increasingly prominent role in city government, leading to an expanded staff and a higher profile. In the current administration, for example, the food policy director reports directly to the deputy mayor for health and human services while, in earlier years the report was indirect.

The director of food policy coordinates across city agencies, nonprofit organizations, and community advocates working in food.⁷ Moreover, as part of City Council Speaker Quinn's FoodWorks initiative, the council passed Local Law 52 in July 2011, establishing reporting requirements for many of the city's food-related initiatives.⁸ These data are aggregated by the Office of the Director of Food Policy into an annual food metrics report that provides updates on a list of indicators, capturing a snapshot of the work agencies are doing within the city's food system. Additionally, the Food Metrics Report quantifies the intersectoral scope of food policy in New York City through indicators that cut across food sectors including public health, food waste, and urban planning. The food policy director, by facilitating intersectoral cooperation to address urban food issues, has enabled city agencies, elected officials, community groups, business owners and other stakeholders to play more influential roles in developing and executing food policy actions. Acting as a coordinator, catalyst, and monitor, the director has played a critical role in making food policy a higher priority within city government. •

The New York City Board of Health

The Board of Health, part of the New York City Department of Health and Mental Hygiene, oversees the New York City Health Code and thus plays an important role in food-related proposals. In addition to the commissioner, 10 unpaid members are appointed by the mayor and approved by the City Council to serve 6-year terms.⁹

For example, the board's trans fat ban, enacted in 2007, has been hailed as a success, contributing to reductions in heart attacks and stroke and serving as a model for federal food policy;¹⁰ the Food and Drug Administration plans to expand the policy nationwide in 2018.¹¹ Subsequent board policies include nutrition standards for children's camps that prohibit sugary beverages enacted in 2012 and sodium labeling in chain restaurants.^{12,13}

The limitations on the reach of agencies, public corporations, and authorities are evident in the case of the Board of Health's high-profile sugary drinks portion cap rule, which would have prohibited food service establishments from selling sugary drinks in containers larger than 16 ounces. The proposed regulation would have taken effect in 2013 but was overturned by the state's appellate court in 2014 and therefore never enacted (see our discussion of Key Strategies for more on litigation's role in shaping food policy in New York City).¹⁴

The Board of Health provides the mayor and health commissioner with unusual powers (for US cities) to bypass legislative approval for certain public health measures and has served as a key platform for advancing food policy. Supporters note that it provides a way to bypass the special interests that may influence legislative approval for public health measures while, critics say its anti-democratic implications may discourage mayors from building popular support for their proposals.¹⁵ •

Public Advocate & Comptroller

Along with the mayor, the public advocate and comptroller can influence food policy from the executive branch. The public advocate serves as a direct link between New Yorkers and their government, acting as a watchdog over city agencies and investigating complaints about city services. The current public advocate, Letitia James, supported efforts to bring universal free school lunch to New York City schools. Her advocacy and support helped to build a coalition that won City Council and mayoral support for expanding universal free school lunch during

the FY18 city budget negotiation process. This support, together with policy changes at the state level, then paved the way for the mayor to agree to provide free school lunch for all students in New York City's public schools starting in fall 2017.¹⁶ The comptroller of New York City is the chief fiscal and auditing officer of the city. In 2015, Comptroller Scott Stringer released a report analyzing the economic impact of raising the minimum wage for fast food and other food service workers to \$15 an hour, providing policy makers and advocates with evidence to inform the debate on that proposed policy change.¹⁷



Public Advocate
Letitia James

Photo by
Matthew Cohen

Borough Presidents

The borough presidents (BPs) are elected executive officials of each borough endowed with limited power under the New York City Charter,¹⁸ which outlines the organization of city government and the authority of city elected officials and agencies. BPs work with the mayor on annual executive budgets, propose borough budget priorities directly to the City Council, review and comment on major land use decisions, propose sites for city facilities within their respective boroughs, monitor and modify the delivery of city services within their boroughs, and engage in strategic planning for their boroughs. BPs have a track record of collecting data, providing recommendations, and supporting programs aimed at improving the food environment in their boroughs.

The two most recent Manhattan BPs have initiated several food-related reports and projects. Scott Stringer (D; 2006-2013) published two reports during his tenure, *Food in the Public Interest* (2009)¹⁹ and *FoodNYC* (2010)²⁰ and current BP Gale Brewer published *How Our Gardens Grow, Strategies for Expanding Urban Agriculture* (2015)²¹ and *Manhattan Supermarkets: How to Keep Them Alive* (2017).²² Besides issuing reports that call attention to issues, BPs also allocate funding to support policy goals. For example, in 2017 Brooklyn BP Eric Adams allocated \$1 million from his budget to fund an urban agriculture incubator.²³ He has also made encouraging dietary and other changes to make preventing and managing diabetes a priority, using the platform of his office to educate Brooklyn residents and policy makers about the issue.²⁴

Mayoral Agencies

New York City agencies and departments oversee and carry out laws and policies enacted by City Council and signed by the mayor. Mayoral agencies are led by a commissioner appointed by the mayor. These agencies use a variety of tools to analyze and shape neighborhood food environments. For example, the FRESH program resulted from a study conducted by the New York City Department of City Planning (NYC DCP), the New York City Economic Development Corporation (NYCEDC), the Mayor's Office, and the New York City Department of Health and Mental Hygiene (NYC DOHMH) that demonstrated fewer full-scale supermarkets in low-income communities compared to better off ones.²⁵ The 2008 study *Going to Market*²⁶ found that a primary barrier to entry for supermarket operators were the high costs associated with acquiring, developing, and operating supermarkets, which the FRESH program mitigates through zoning and financial incentives to eligible operators and developers. The program is run by the NYCEDC, a not-for-profit corporation created by the city. Since its launch in 2009, FRESH has approved 27 projects for zoning and financial incentives, 14 of which were completed by the middle of 2017, adding 737,000 square feet of new or renovated FRESH retail space and retaining or creating approximately 1,600 jobs.²⁷ FRESH also illustrates the interdependence of the legislative and executive branches. It is the City Council that must approve any land use changes that a FRESH-funded project may require.

In addition, by redesigning internal processes and practices, city agencies can play an important role in implementing policies more effectively. For example, rule changes by the New York City Human Resources Administration meant to simplify Supplemental Nutrition Assistance Program (SNAP/food stamps) enrollment and increase outreach, supported and encouraged by the food policy director and food security advocacy groups, contributed to increased enrollment of people in SNAP during the great recession and beyond. •



Above: Bill de Blasio, 109th mayor of New York City, January 2014–present.

Below: Michael R. Bloomberg, 108th mayor of New York City, January 2002–December 2013.

The City Planning Commission (CPC), part of the New York City Department of City Planning, provides oversight and guidance on issues related to land use.²⁸ Led by a chair, who is also the director of city planning and appointed by the mayor, the commission includes six additional members, one appointed by each borough president and one by the public advocate.²⁹ The chair serves at the discretion of the mayor, while other members serve staggered 5 year terms.

The CPC plays an important role in shaping the neighborhoods of New York City, including the distribution of food retail sites. For example, operators and developers use zoning incentives to establish new food retail stores in underserved areas through the city's FRESH program after completing an application process detailing a project's eligibility. The application is then reviewed by the chair of the City Planning Commission, who certifies to the Department of Buildings that the project complies with the program's requirements. Similarly, with its approval of the comprehensive rezoning of 125th Street,³⁰ a process that changed the restrictions on the types of commercial and residential buildings allowed in the area, the commission paved the way for substantial changes in East Harlem's food retail landscape.³¹ These include the sale of Pathmark, one of the city's more affordable supermarkets, in 2014 to a developer who will replace it with a much larger mixed-use building, and helping to facilitate the establishment of more expensive, high end grocers like Whole Foods, which opened in the neighborhood in 2017.³²

Land use actions like rezoning are conducted through a process known as the Uniform Land Use Review Procedure (ULURP) and the CPC plays a major part in the ULURP approval process.³³ On issues like land use and, as is the case with FRESH, individual project approval, the CPC can help advance the city's food policy agenda by facilitating changes that affect the ability of New Yorkers to find healthy food in city neighborhoods. •

The City Planning Commission



A FRESH Supermarket in East Harlem

Other Authorities and Public Corporations

Other municipal entities including public corporations and authorities are a quasi-autonomous part of city government. Many are governed by boards, sometimes appointed by the mayor, while others are managed more independently. The Economic Development Corporation, which played a role in the FRESH program, is one example. New York City Health and Hospitals, a public corporation that operates the city's public hospitals, is another. In 2004, the public hospital system decided to outsource the management of its food service and centralize preparation of patient meals in a production facility at Kings County Hospital. This centralized approach, which was credited with saving about \$5 million per year, set the stage for the hospital system's institutional food programs for more than a decade.³⁴

City Level Roles in Food Policy

Legislative Branch

City Council

The City Council is the legislative body for New York City. The council passes laws, approves the budget, reviews land use, makes decisions about the growth and development of the city and provides oversight for city services. It also votes on many mayoral appointments. Each of the 51 council members represents a district, making the body a place to consider neighborhood concerns and needs. Its legislative powers give the City Council the authority to make lasting changes in city governance and programs, one way its impact can extend beyond the term of a mayor. Council members are assigned to committees, led by chairs, who conduct legislative work through meetings and hearings where agency officials, community representatives, and the public are invited to speak on issues.

A few examples illustrate how the council has influenced food policy. In 2011, the council passed Local Law 50,³⁵ which mandated the use of the New York State Purchasing Guidelines. These rules direct New York City agencies that purchase food to give a preference to New York State food products where practical. In this case, the guidelines support regional farmers by creating a market for their products, potentially preserving and protecting jobs, keeping money within the state, and benefiting the local economy. The law also benefits environmental health, reduces waste, decreases reliance on the global food market, and increases New York State's food security. In 2010, City Council Speaker Christine Quinn released *Food Works: A Vision to Improve NYC's Food System*.³⁶ Although *Food Works* was not a legislative proposal and had no assigned budgetary allocation, it served to frame and inform food policy discussions in New York City for the next several years. This shows that, like the mayor, the City Council speaker can use the bully pulpit of the office to influence policy.



The Seal of the City of New York

Finally, the City Council reviews, amends and approves the mayor's budget. In 2017, the City Council played a key role in pressing for a budgetary allocation to expand free lunches in city schools. Each year, City Council allocates funds directly to non-profit organizations, including many that address food security, healthy food access and other food policy topics. •

City Level Roles in Food Policy

Non-Governmental Bodies with an Influence on Food Policy

In this section, we consider the role and influence on food policy of a variety of non-governmental bodies, including community boards, citywide advocacy and service organizations, business organizations, labor unions and other worker organizations, community-based and neighborhood organizations, and academic institutions. Our goal is to assist policy makers and advocates to identify possible partners or opponents in their efforts to change policy and to make informed choices about pursuing alliances to achieve specific food policy goals.

Community Boards

In New York City, 59 community boards advise city government on local issues. The boards are local bodies of up to 50 unsalaried members. One way that community boards play a role in shaping the food environment in their district is by conducting neighborhood-level project reviews. For example, a provision of the FRESH program requires a 45-day community board review of all zoning applicants looking to obtain zoning incentives. This review also provides an opportunity for residents to give input on the types of food projects that are developed and to claim a voice in shaping their local food environment.

Citywide Advocacy/Service Organizations

New York City has a strong network of non-profit advocacy and service organizations that engage in direct services, advocacy, and research, and coordinate frequently with city agencies, the City Council, the Mayor's Office, and other stakeholders. In addition, many advocacy groups are led by former city officials who, with their knowledge of how city government works, can leverage their experience to more effectively work with city government. Of the activities engaged in by these groups, advocacy is the primary way in which they work to shape policy. The New York City Community Garden Coalition (NYCCGC), for example, took this approach to preserving community gardens targeted for development by the New York City Department of Housing Preservation and Development. In 2015, NYCCGC successfully recruited supporters to participate in a petition that, along with other factors, influenced the mayor's decision to save the sites, which ultimately resulted in the preservation of 68% of the gardens.³⁷⁻³⁸

Similarly, well-established groups like Citizens Committee for Children and Children's Aid Society have played an important role in advocating for food policies that benefit children. There are also several coalitions of service providers, like the Human Services Council and the Coalition for the Homeless, that play an important role in advocacy and educating policy makers, the legislative body, or government officials who help to formulate legislation or implement new policies. Additionally, groups like the Regional Plan Association (RPA), a research and advocacy organization that considers the needs of the tri-state area including New York, New Jersey and Connecticut, provides useful input to elected officials, city and state agencies, and others on issues related to food policy in New York and its connections to the region's built environment.³⁹ RPA is one of the few groups to look at the region as a whole, a valuable perspective given the tri-state area's importance as a food shed and distribution system for New York City's food.

Business Organizations

Business organizations serve a variety of functions, often coming together collectively to advocate on issues important to them at the city, state, and federal level; to support research; and to connect their members to resources. These groups often use direct lobbying to persuade elected officials, policy makers and others to adopt their positions on regulatory and legislative actions. For example, as a non-governmental entity, the Bodega Association of the United States (ASOBEU) often lobbies lawmakers, urging them to support regulatory changes that favor small grocery store owners. Moreover, its representatives are often interviewed by media outlets to voice their concerns on such issues as commercial rent increases or changes to vendor rules for food assistance programs.⁴⁰ ASOBEU was also vocal in New York City's recent sugary drink portion cap debate,⁴¹ in which they spoke out against then-Mayor Bloomberg's policy to limit portion sizes, making the case that such a policy would have unfairly burdened bodega owners.⁴²

In a similar example, some supermarket operators lobbied elected officials to express their opposition to the New York City Department of Health's Green Carts program.⁴³ In public statements and discussions with elected officials, opponents stressed their concern that the carts would provide unfair competition to brick and mortar stores. In the end, store owner opposition made the process of developing the Green Carts program more challenging and ultimately led to compromises in its scope and implementation.⁴⁴ Conversely, business organizations can also be powerful allies for policies that support their agenda. The Food Industry Alliance (FIA), a

group representing supermarket operators, provided important support for getting the incentives provided by the FRESH program approved by City Council. Those incentives help lower the cost of operating a supermarket in New York City, a clear benefit to FIA's constituency.

Labor Unions and Other Worker Organizations

Unions play an important role in fighting for and securing workers' protections, rights, wages, and other benefits. Labor unions have demonstrated an ability to unite around key issues that affect union members as well as the communities their organizations serve. There are several recent examples of national labor unions and advocacy organizations aligning with local advocacy organizations and elected officials to advocate for changes to the food industry. Food Chain Workers Alliance, a coalition of worker-based organizations representing workers all along the food chain, from planting to selling food,⁴⁵ is leading the effort in New York City to strengthen procurement guidelines for New York City agencies through the inclusion of labor practices, animal welfare, and environmental sustainability as an addition to the health and local procurement guidelines already in place. The Lunch for Learning campaign, advocating for free universal school meals for all New York City students, counts among its members the school food workers of District Council 37 (DC37) and the teachers' union. As a coalition partner, DC37 helps craft strategy, provides space for meetings, brings members to press conferences and other calls to action, and uses its institutional knowledge to help inform the activities of this campaign. Additionally, unions like the United Food and Commercial Workers International play a critical role in getting voters to the polls, making them an important base of support for elected officials. In New York City, unions have the potential to contribute significant support for advancing more equitable food policies.



DC37 members participating in a Lunch for Learning Rally at City Hall in November 2016.

Community-Based and Neighborhood Organizations



Healthy Food for Upper Manhattan (HFUM)

Community-based and neighborhood organizations play an important role in providing services to residents across New York City, and many have long histories of struggling to improve living conditions in the communities they serve. Community-based organizations have also been involved with shaping food policy. For instance, City Harvest supports Community Action Networks in their *Healthy Neighborhoods* service areas, which “bring together passionate residents, retailers and local organizations to advocate for equity and inclusion in

the decision-making process that shapes the local food system.” These serve as de facto local food policy councils in Bedford-Stuyvesant; Northwest Queens; South Bronx; Staten Island, and Washington Heights/Inwood.⁴⁶ Another example of a local, food policy-focused coalition is Healthy Food for Upper Manhattan, a group developed in partnership by SCAN-NY, Partnership for a Healthier Manhattan at Mt. Sinai School of Medicine, and the CUNY School of Public Health.

Academic Institutions

There are more than 100 colleges and universities in New York City. Across these campuses, faculty and students in the fields of food, nutrition, nursing, public health, policy, sociology, urban planning, anthropology, geography, and other disciplines conduct research, offer courses, provide services and support advocacy relating to food and food policy. For example, in 2013 a report by the Pratt Center for Community Development, commissioned by then New York City Council Speaker Christine Quinn (D; 2006-2013), assessed the major distribution challenges facing small, specialty food and beverage manufacturers and identified strategic interventions for city government. Based on the Pratt Center’s findings, the speaker and City Council launched several initiatives aimed at reducing the barriers for food entrepreneurs to start, sustain, and grow their businesses within New York City.⁴⁵ •

State Level Roles in Food Policy Executive Branch

Governor

The governor of New York holds executive power at the state level. One example of the governor’s power to implement policy is (with legislative approval) to direct the use of state funds. In 2013, Governor Andrew M. Cuomo (D) committed \$3.6 million in state funding to create food distribution hubs across the state.⁴⁸ The funding was allocated to sites in Central New York, the Finger Lakes, Hudson Valley, and the North Country to develop facilities that support regional food processing, storage, and distribution of locally-produced food products, which increased the opportunity for New York State farmers to sell more of their goods. Similarly, in 2016 Governor Cuomo directed \$15 million dollars towards the construction of GrowNYC’s new Greenmarket Regional Food Hub in the Bronx, which will help upstate producers and processors take greater advantage of institutional and private sector procurement opportunities in New York City.⁴⁹ In 2017, an additional \$2.5 million in federal funding was awarded for the New York State Greenmarket Regional Food Hub. Together, these funds will allow GrowNYC to construct its new South Bronx food hub, which will move nearly 20 million pounds of local produce a year and create 95 permanent jobs and 150 construction jobs.⁵⁰ The Greenmarket Regional Food Hub also illustrates how city, state and federal governments can work together to achieve common goals.

New York State Food Policy Council

In 2007, the New York State Governor’s Office established a Council on Food Policy by Executive Order No. 13. The council was created to support local agriculture, production, and delivery systems, to ensure access to safe, healthy, and affordable food with attention to children, seniors, and low-income New Yorkers. It included representatives from state agencies, agriculture, academia, philanthropy, procurement, and the nonprofit sector. Meeting annually, these advocates and government officials heard testimony from various stakeholders in the New York State food system. In 2013, the council conducted a survey of local food policy councils and organizations throughout the state, and subsequently created a Local Food Policy Workgroup as part of its membership.⁵¹

NYS Food Governance
A Closer Look

In 2016 Governor Cuomo re-established the council as the New York State Council on Hunger and Food Policy. This new body is meant to “work to identify new policies and programs that enhance the state’s ongoing efforts to improve nutrition and fight hunger across the state.”⁵²

State agencies represented on the council are involved with implementing a wide range of food policies, from administering federal dollars for the WIC program to enforcing regulations on farmers markets. Like New York City’s Office of the Director of Food Policy, the council does not have the authority to create, implement, or enforce laws and regulations. Moreover, it is the governor who plays the leading role in establishing food policies for the state—for example, eliminating fingerprinting from the SNAP application process, and increasing the statewide minimum wage, first for fast food and tipped workers in April 2015,⁵³ then for state workers in November 2015,⁵⁴ and then for all workers across all industries in April 2016.⁵⁵ •

Governor’s Executive Agencies

One hundred state agencies conduct business in New York, many with food policy responsibilities. The New York State Department of Agriculture and Markets, for example, has the authority to act on policy issues related to food production and food retail. The department also functions as a partner in administering the FreshConnect Checks Program. Launched in 2011, the program provides incentive checks to SNAP consumers and veterans for the purchase of fresh produce and other food items at participating farmers markets throughout the state.^{56,57,58} In addition, the department worked with other state and city agencies on a policy to streamline the application and authorization processes to make it easier for farmers to participate in the Farmers Market Nutrition Program (FMNP). This program provides checks to low-income seniors and mothers in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) for the purchase of local fruits and vegetables at direct-to-consumer markets.

Attorney General

The attorney general of New York is the chief legal officer of the state and head of the state government’s Department of Law. In this role, the attorney general advises the state’s executive branch and defends actions and proceedings on behalf of the state. Current Attorney General Eric Schneiderman (D; elected in 2010) has been a strong and vocal propo-

nent of workers’ rights, and has used litigation to pursue wage theft in the fast food industry since 2013.⁵⁹ Since 2012, his office has brought civil and criminal cases against employers that cheated workers out of wages and violated labor laws, recovering nearly \$27 million for more than 20,000 workers and recovering \$2.5 million in penalties against employers.⁶⁰ Included in these wins were wage theft cases against several large fast food chains, including Domino’s Pizza and Papa John’s franchises in New York City. In addition, after an investigation of herbal supplements, the attorney general reached an agreement with a Long Island-based herbal supplement manufacturer and several national retailers to implement new quality control measures for all herbal supplements sold nationwide to confirm their authenticity, ensure their purity, and educate consumers about their chemical content.⁶¹ •



Restaurant workers
in Chinatown,
Manhattan

Photo by **Vincent
Desjardins**

State Level Roles in Food Policy

Legislative Branch

State Assembly and Senate

The New York State Assembly and Senate are the two parts of the state legislature's bicameral chamber. Among the legislative groups with a focus on food policy, the Task Force on Food, Farm and Nutrition Policy developed legislation supporting local food procurement for state agencies, diabetes prevention programs, establishing regional food hubs, and labeling for genetically modified food products.⁶² These types of legislative actions help drive economic development, address diet-related diseases, and provide opportunities for consumers to become more informed about



New York State
Capitol Building

Photo by
Matt Wade

the food they eat. The legislature also reviews, modifies and approves the governor's budget and provides oversight to state agencies, including those with food responsibilities such as the Departments of Agriculture and Markets, Health, Education, Social Services and Environmental Conservation. •

State Level Roles in Food Policy

Judicial Branch

New York State Unified Court System

The structure of New York State's judicial branch—the New York State Unified Court System—is complex. Its organization and jurisdiction are defined by the state constitution. The Unified System includes state, county and city courts of several types including criminal, civil and appellate courts. The state's courts hear more than four million cases annually.⁶³ Several may influence food policy. For example, one recent case, the *National Restaurant Association v. The New York City Department of Health and Mental Hygiene et al.* challenged a rule passed unanimously by the New York City Board of Health in September 2015 requiring chain

food service establishments to post a salt shaker icon next to any food item containing 2,300 mg or more of sodium. The National Restaurant Association (NRA), a business association representing approximately 500,000 member restaurants, filed the suit in December 2015,⁶⁴ resulting in a year-and-a-half legal battle. In February 2016, the state's lower court ruled in favor of the city,⁶⁵ allowing the Health Department to enforce the sodium warning rule (which took effect citywide in June 2016).⁶⁶ Facing an appeal, the suit then moved to the Appellate Division of the New York State Supreme Court, which upheld the lower court's ruling in February 2017. The NRA then had 30 days to ask for a review by the highest court, the Court of Appeals, but failed to do so, thus ending the legal challenges and allowing the city to continue to enforce the rule.⁶⁷



New York State
Court of Appeals

Photo by
Tracy Collins

Federal Level

Federal food policy has a tremendous impact on New York City and State, primarily through two large and complex pieces of legislation, the Child Nutrition Act and the Farm Bill. Reauthorized by Congress every five years, the Child Nutrition Act sets rules and standards for the National School Lunch and Breakfast Programs, WIC, and other federal food and nutrition education programs provided to children and families.⁶⁸ New York City, which developed its own set of nutrition standards, exceeds the requirements mandated by the most recent Child Nutrition Reauthorization in 2010; however, in the current political climate, advocates are concerned about cuts to the programs and an undoing of the gains made in the act's previous version, which expired in 2015. The Farm Bill governs SNAP, a program used by 1.6 million New York City residents,⁶⁹ as well as sets rules and agricultural subsidies for farmers in all states. The structure of the Farm Bill is rooted in a deal cut in the early twentieth century to ensure bi-partisan support for what were then seen as two disparate issues: urban (food security) and rural (crop subsidies). Recent decisions and regulatory and budget proposals by President Trump and Congress suggest that federal support for city and state food policies may change in the coming years.⁷⁰⁻⁷¹⁻⁷²⁻⁷³ •

Key
Strategies
Used to
Influence
Food Policy
in New York
City

New York City and State's public officials have used various strategies to implement new or change existing food policies, some of which are described briefly in this section. Our focus is on city-level strategies, although many of the same processes are also used at the state level. Readers who want more information on political processes and strategies can consult the resources section at the end of this guide.

Strategies Used by Policy Makers

Legislation

Description—Legislating food policy has proven to be an effective strategy in New York City, where the City Council often first produces or commissions policy research and reports and then translates the recommendations into legislative proposals on which the council votes. This process typically involves hearings and committee meetings, and the solicitation of input from stakeholders outside of government. In developing legislation, the council employs policy analysts and community liaisons who help determine the evidence base for identifying legislative priorities. City Council legislation can also originate in proposals by the mayor, which City Council members then turn into legislative proposals.

Efficacy—Many of the most significant changes in food policy in the last 10 years are a direct result of policy documents created at the behest of government officials that are then translated into legislative proposals and rule changes. Once passed and signed, legislation provides for lasting changes in food policy and programs, an advantage not enjoyed by mayoral or gubernatorial executive actions, which can be repealed by the next office holder.

Limitations—Successfully passing legislation is contingent on the ability of lawmakers, often representing diverse constituencies and points of view, to achieve majority support for approval. Where political or policy differences prevent majority support, proposals may languish. In addition, in the City Council as in other legislative bodies, powerful New York special interests, financial or industry groups, elites

and the ultra-wealthy may be able to exert an influence beyond their numbers. Moreover, passage of legislation is often only a first step. The funds needed to implement it must also be allocated. Since it is the executive branch that implements and enforces laws, City Council legislation not supported by a mayor may prove ineffective after passage due to inadequate funding, implementation or enforcement.

Executive Orders

Description—As the city's chief executive officer, the mayor can use his or her authority to issue executive orders to executive branch agencies, offices, divisions, and authorities. Typically, these orders involve the implementation of laws or policies.

Efficacy—Executive orders have the power to create massive change at the stroke of a pen, sidestepping the need to coordinate with legislators. A powerful example in the context of food policy is Executive Order No. 122, signed by Mayor Bloomberg. This mandate set forth the NYC Food Standards, nutrition standards for all city agencies for all meals that are purchased, prepared, or served by an agency or its contractors, and established the position of food policy coordinator for the city.⁷⁴ Unlike laws, executive orders can be withdrawn by a successor. Lastly, executive orders can be a tool for protecting and improving the well-being of New Yorkers in instances when federal policies run counter to the best interest of the city. As an example, by enacting municipal rules on food standards, the city may be able to bypass any changes in such standards at the federal level.

Limitations—Executive orders can cause confusion among the public about how the different branches of government work and give the impression that the mayor has overreached his power by sidestepping an obligation to work with the legislature. Additionally, an overuse of executive orders can antagonize the legislature, making it harder for the executive to enact policies on items that require cooperation. Finally, as noted, executive orders can be overturned by the executive's elected successor.

Demonstration Projects

Description—Demonstration projects, or pilots that are in part or wholly funded by private donors, can generate an evidence base for how a policy might look in practice. These types of projects—which

implement a program on a small scale prior to making a full investment and rolling it out to scale—also allow for flexibility and room to refine and improve the initial idea based on preliminary evaluation. New York

City’s Green Cart program, initially funded by a private foundation, is an example of a city food program that started as a demonstration project.



A compost bin in Fort Greene, Brooklyn

Efficacy—Demonstration projects are important mechanisms for operationalizing policies and scaling their related interventions, a process that can be fraught with challenges and complexities. Often a demonstration project provides program implementers with important lessons and may limit the opposition that a more permanent policy change would generate. In New York City, residential compost collection began as a pilot program for 3,200 residents in the spring of 2013 and now reaches nearly one million residents citywide.⁷⁵

Limitations—Pilot programs often require a delay between first implementation and city-wide scale, a delay that can make it more difficult to win policy approval and may give opponents more time to mobilize. The results of a pilot may not be generalizable to settings outside of the pilot area (e.g., from Manhattan to the Bronx or Queens).

Budget Negotiations

Description—The budget negotiation process starts with the release of the mayor’s executive budget in January and ends with City Council approval of the budget before the end of June. This creates many months and multiple settings where advocates and public officials can make the case for providing new budgetary allocation for food policies. The council reviews and coordinates with the mayor on the final budget and uses feedback from city agencies, the Mayor’s Office of Management and Budget (OMB), and outside groups to analyze and revise proposed spending.

Efficacy—During the budget negotiation for fiscal year 2018, money was set aside for a substantial expansion of universal free school lunch, a longstanding policy goal of anti-hunger advocates. Under this expansion 90% of schools serving 84% of NYC school children would offer lunch free to all. Ultimately the city would achieve universal free school lunch through a change made at the New York State Education Department

making it possible to more accurately identify families who are eligible for free lunch. The department’s change to the Direct Certification Matching Process allowed New York City to show an increase in the direct certification rate, enabling it to qualify for the highest level of reimbursement for meals in the federal Community Eligibility Provision program. This in turn made it possible to provide school lunch free for every student at all New York City’s public schools in the 2017-2018 school year.

Limitations—Using the budget negotiation process to implement a policy action often means competing with dozens of other organizations, sometimes allies, who are advancing their policy goals. In most cases, the negotiations are about different ways of slicing the budgetary pie, rather than making a bigger pie. In addition, economic conditions (such as a recession) or changing fiscal priorities (e.g., proposed federal cuts in SNAP) may make it more difficult to win new resources. •

Strategies Used by Advocates

To respond to the strategies that policy makers use to achieve their policy goals, advocates and outside groups concerned about food policy have developed their own methods for influencing the process and outcome.

Participatory Budgeting

Description—Participatory budgeting (PB) is a process by which constituents directly choose how to allocate part of a public budget. PB provides community members with the power to make choices over how their tax dollars are spent. City Council members can join Participatory Budgeting New York City (PBNYC) by making a minimum of \$1 million from their budget available for community-chosen projects. The concept was first established in Brazil in 1989 and now more than 1,500 jurisdictions around the world use some form of participatory budgeting.⁷⁶

Efficacy—In 2017, 102,800 New Yorkers voted for participatory budget



Mobile Cooking Classroom rendering, funded by participatory budgeting allocation SMART (2015).

projects in 31 council districts, allocating more than \$40 million to the winning projects.⁷⁷ One recent example of successful utilization of participatory budgeting for a food-related policy or program is SMART University's Mobile Cooking Classroom (MCC).⁷⁸ Based in East Harlem, SMART (Sisterhood Mobilized for AIDS/HIV Research and Treatment) University is an organization run by and for women with HIV/AIDS. SMART's MCC, serving the greater East Harlem community, provides access to food as well as nutrition education, including cooking, shopping, and preparing healthy food.⁷⁹ Hester Street, an urban planning, design, and development non-profit that provides technical and capacity-building assistance to community-serving organizations, partnered with SMART to lead an inclusive visioning process with residents that helped shape the Capital Campaigns Package used by SMART to advocate for funding the MCC.⁸⁰ Submitted as a proposal during the 2013 participatory budgeting process, the project received more than 500 votes from community residents, ranking it fourth among 21 projects, and was awarded \$180,000 in capital funding.⁸¹

Limitations—PB projects that are successfully funded are usually driven by the most motivated or the most engaged constituents who can attract large blocks of voters (students, community organizations, etc.). This often means that funds end up directed away from projects that are more universally beneficial towards those focused on more niche concerns. In addition, only a very small portion of city funds are allocated through PB.

Litigation

Description—Litigation can be used by individuals or entities (e.g., community groups, unions) who believe that laws or regulations cause them harm or violate other laws. By filing a lawsuit, the injured party can attempt to stop government actions or collect compensation for damages. When the city or state government enacts policies—using legislative or executive powers—to modify and control industries within the food system they often face the possibility of a legal challenge.⁸² Similarly, by filing lawsuits against private businesses, advocacy groups can call attention to government failures to enforce the law. Governments can also use litigation. Both the New York City Department of Health and the New York State attorney general have used litigation to stop deceptive marketing of food or require the removal of unsafe products.

Efficacy—Litigation was successfully used to both block and implement several food-related public health policies in New York City over the last decade. One notable example that opposed a public health policy

was the successful effort to stop the Bloomberg administration from implementing the sugary drink portion cap rule, which would have mandated a cap on the size of the containers in which food service establishments can serve sugary drinks. In another current example, Earthjustice, an environmental organization, is representing the Center for Science in the Public Interest and National Consumers League in challenging a rule issued by the U.S. Food and Drug Administration, which delays the compliance deadline of a prior rule requiring chain restaurants and similar retail food establishments to disclose calorie contents and other health information for standard menu items.⁸³ Even when litigation fails, it can contribute to public education. In the period when the city's effort to limit the portion size of sugary beverages was being debated in the media, soda consumption in New York City fell sharply, perhaps a consequence of the media attention to the industry's lawsuit.

Limitations—Governments, corporations and trade associations have tremendous resources available for litigation and can use them to litigate an issue all the way to the United States Supreme Court. This puts small groups with limited resources that wish to sue the government or corporations at a severe disadvantage. Furthermore, the litigation process can provide government with the chance to identify legal weaknesses in a policy, allowing its lawyers the opportunity to revise the law or circumvent legal challenges in the future. In these instances, groups that sue the government may end up helping to strengthen the policies they are trying to overturn.

Citywide and Community Mobilization Campaigns

Description—One of the most effective strategies for community groups and others to influence policy change is through community mobilization efforts, such as demonstrations, media advocacy, and forums. When done collectively, activities like campaigning, networking, data gathering, and facilitating community input can be used to develop a compelling, grassroots case for meaningful changes in policy.

Efficacy—Support for city and state proposals to increase the minimum wage to \$15 per hour, for example, brought together labor groups, civil rights organizations, health associations, progressive elected officials and others, creating a widespread coalition that both the mayor and governor decided to support. Fast food workers and the organizations that represented them played a leading role in organizing these campaigns.⁸⁴

Limitations—Community mobilization is a time-consuming and labor-intensive strategy. It requires committed and skillful leaders, organizations willing to invest human and other resources in the campaign. Many groups compete for the attention of community residents and activists to persuade them to support their worthy cause.

Electoral Forums

Description—In election years, it has become a matter of course that elected officials participate in debates and forums, pitted against their fellow candidates to explain their positions on matters of interest to the electorate. In 2013 a mayoral food forum was organized by a committee of food policy and advocacy organizations.⁸⁵ Many of the comments made by Bill de Blasio, the candidate who ultimately

became the mayor, were used to hold him to account well into his first term, particularly those related to his support of universal free school meals.⁸⁶ Some groups also release report cards or information sheets assessing candidates for elected office on their positions on food or other issues.

Efficacy—Constituents can use electoral forums and other campaign communications to remind voters and elected officials of commitments made during a campaign. Publicly highlighting a politician's previously stated position is one of the clearest ways that voters can hold elected officials accountable aside from voting. The 2013 Mayoral Forum on Food Policy also helped to place food on the mayoral agenda, an important advance from earlier times when few mayors paid attention to food policy.

Limitations—Candidates are not legally bound to follow through on campaign promises and incumbents may be able to blunt the negative perception of unmet promises if they are otherwise popular among constituents.

Opportunities for Participation

Our current food system provides numerous opportunities for ordinary people to participate in making food policy: community board meetings, City Council and state legislative hearings, community forums for electoral candidates, letters, emails and resident visits to elected officials, participatory budgeting, op-eds and letters to the editor to community, ethnic and municipal newspaper and media outlets. All these and more provide residents, advocates and others with opportunities to voice their opinions and articulate their needs. As food activists gain experience using these platforms for participation, they can assess their effectiveness and suggest ways to strengthen them or create new participatory platforms that can advance food democracy. •



Former City Council Speaker and Mayoral Candidate **Christine Quinn** at the Mayoral Food Forum in July 2013.

Still from video, courtesy of **The New School**



NYC Rally and March to raise the minimum wage in America.

Photo by **The All-Nite Images**

Conclusion

This guide provides readers with an introduction to the processes and structures by which ideas for improving food environments get translated into action: policies, programs, regulations and spending that can contribute to more effective, equitable and healthier food systems. In the last decade, New York City and State have launched dozens of new food initiatives. Many of these have helped to make healthy food more accessible, facilitate enrollment in food benefits programs such as SNAP, better protect food workers, and encourage more sustainable food production, distribution, consumption and waste disposal. No one who views New York's recent statistics on diet-related diseases, food insecurity, the working conditions of low-wage food workers, or the declines in state farmland and farmers can imagine that our work is complete. Accelerating the transformation of our food system and encouraging policy makers, voters and others to make wiser and healthier policy choices—those tasks, dear readers, are for you to take up. We hope this guide helps you along that path. •

On City and State Government

- [The Green Book](#) The Green Book is the official directory of the City of New York. It is an online reference guide for anyone living or working in New York City. The Green Book includes detailed listings of contacts within each agency. Separate directories are available for city, county, state, federal, court and international agencies and organizations located in New York City.
- [They Represent You](#) is a comprehensive directory of elected officials in New York City, Albany, and Washington DC. This 52-page guide includes detailed maps for each New York City borough which define congressional, state senate, state assembly and city council districts, along with the names and party affiliations of elected representatives from each district. The 2017 edition can be ordered online for \$12.00
- [What Makes NYC Run?](#) This guide to how New York City Government works includes 2011 updates. Published by the League of Women Voters, it's a tool for those who want to learn about New York City government, it explains the various City offices including how budgeting, contracting, service delivery and land use are implemented under the current Charter. It costs \$10 with bulk discounts for classes available.

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