

MEATLESS CITIES

A Workshop on How Cities Can Help Lead the Transition to a Plant-Forward Food System

Session 3

Procurement Policies

June 16, 2021 | 12:00 – 1:00 PM

POLICY OPTIONS

Numerous cities have adopted policies to reduce the amount of meat products that they purchase, as well as pushed for facilities to explore and provide alternative, plant-based offerings.

Good Food Purchasing Program (GFPP). The GFPP is aimed at changing the way public institutions purchase food, including by incorporating animal welfare and environmental sustainability standards into their procurement policies. A number of cities have pledged to adhere to the GFPP, including Berkeley (CA), Los Angeles (CA), Oakland (CA), San Francisco (CA), Washington, DC, Chicago (IL), Boston (MA), Cincinnati (OH), and Austin (TX), in addition to numerous institutions within these cities. Though the program is voluntary, participating cities have collectively shifted millions of dollars towards suppliers aligned with the program's values.

Procurement Commitments. Various cities have adopted commitments to reduce the amount of animal-based food products they purchase. For example:

- Berkeley (CA) was the first city to adopt a progressive new food purchasing policy committing to replace 50% of the city's animal-based food purchasing with plant-based alternatives (Vision 2025 for Sustainable Food Policies).
- New York (NY) has committed to reducing the city's beef purchases by 50% and phasing out all purchase of processed meat by 2030 (NYC Green New Deal).
- San Francisco (CA) passed a resolution committing to reduce purchases of animal products in jails by 50% in 2024 and in hospitals by 15% in 2023.

Meatless Mondays. School districts in several cities have adopted Meatless Mondays, including Baltimore City Public Schools (MD), Buffalo Public School District (NY), and New York City Public Schools (NY).

Vegetarian & Vegan Food Options. Various cities have pushed for greater availability of plant-based food options. For example:

- The school districts in Berkeley (CA) and New York (NY) now offer plant-based option at every meal, and four schools in New York (NY) are fully vegetarian.
- Berkeley (CA) also requires vegan-only food to be served at city events and meetings on Mondays.
- Looking beyond city facilities, Los Angeles has introduced legislation that would require entertainment and travel venues to put at least one vegan dish on their menus.

Notably, states appear to be responding positively to these local procurement initiatives with plant-forward policies of their own. In 2018, California passed a law requiring hospitals, prisons, nursing homes, and other state facilities to provide at least one vegan meal option. In 2019, New York State passed similar legislation requiring hospitals to make plant-based meals and snacks available to patients and to list the vegan options on all written materials and menus.

POTENTIAL CHALLENGES

Despite potential political opposition, none of the above-mentioned examples of procurement policies enacted by cities appear to have been challenged in the courts as unlawful.

However, the source of procurement funding could pose legal challenges. Food purchased by local agencies using federal dollars must follow federal procurement guidelines, and food purchased using state funds must follow state procurement guidelines. To the extent that cities are relying on state or federal funding to purchase food, these guidelines could potentially limit their ability to reduce their procurement of animal-based food products.

Moreover, geographically preferential laws have been challenged under the Dormant Commerce Clause on the basis that they discriminate against commerce from other states. If procurement policies favoring plant-based products over meat products were implemented, parties in states that rely heavily on the meat industry might bring these challenges.

QUESTION FOR DISCUSSION

1. How effective are procurement policies in helping cities reduce their consumption of meat? Can they be effective in influencing consumer behavior?
2. How might procurement policies be designed to overcome or otherwise minimize the risk of potential legal challenges?
3. City policies aimed at reducing the procurement of animal-based food appear to have been largely focused on city facilities. To what extent can cities require non-public institutions and businesses to reduce their procurement of meat and other animal-based foods or otherwise require them to offer plant-based options? What challenges would cities face?
4. What are the political challenges to changes in procurement policies? How might political opposition to procurement policies be overcome?