MEATLESS CITIES

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

POLICY OPTIONS

Bans. While no U.S. city has enacted a blanket ban on meat, a few cities have adopted targeted bans on specific animal products. For example:

- **Processed meat.** The cities of Santa Barbara (CA) and New York (NY) have introduced bans on processed meat from school lunch menus on the basis that these products are carcinogenic.
- **Foie gras.** Los Angeles (CA), Chicago (IL), and New York (NY) have all introduced bans on the sale of foie gras at the urging of animal rights activists.
- **Animal fur.** San Francisco (CA), Berkeley (CA), West Hollywood (CA), and Los Angeles (CA) have all passed laws banning the sale of fur products.

Bans on animal products and inhumane practices appear to be more widespread at the state level.

- **Shark fins.** California, Delaware, Florida, Hawaii, Illinois, Maryland, Massachusetts, Nevada, New Jersey, New York, Oregon Rhode Island, Texas, and Washington make it illegal to sell, trade, or possess shark fins within their borders.
- **Animal fur.** In 2019, California became the first state to ban the manufacture and sale of animal fur, following prior local initiatives.
- **Cosmetics.** California, Illinois, Nevada, and Virginia have all introduced bans on cosmetic products that have been tested on animals.
- **Downer animals.** In 2009, California banned the slaughter or selling of "downer" animals (lame animals unable to walk).
- **Battery-cage eggs.** California bans battery-cage housing for egg-laying hens and prohibits the sale of non-compliant out-of-state eggs.

Divestment. A few cities have adopted divestment policies aimed at removing investment assets (including stocks, bonds, and investment funds) from companies involved in livestock production. For example, Berkeley (CA) has urged its public employees' retirement system (CalPERS) to divest from industrial animal protein and factory farming companies. New York (NY) has introduced resolutions to divest from certain agricultural industries for their role in accelerating climate change.

POTENTIAL CHALLENGES

Legal Challenges to Bans. Bans on specific animal products and inhumane farming practices have faced numerous legal challenges, raising doubts about whether a blanket ban on meat is possible (even if politically feasible). For example, San Francisco's fur ban was challenged on the basis that it improperly discriminates against interstate commerce in violation of the Dormant Commerce Clause. Chicago's foie gras ban was also challenged on the grounds that it exceeded the scope of the city's home rule authority. Notably, both challenges were unsuccessful.

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Local attempts to enact bans also face a risk of preemption by federal or state law. For example, the U.S. Supreme Court has held that California's ban on the slaughter or selling of downer animals was preempted by the Federal Meat Inspection Act (FMIA).[1] Retaliatory laws might even be passed to preempt newly adopted city bans, particularly where higher levels of government have competing political priorities. After Cleveland (OH) passed a law banning industrially-produced trans fats, the state amended its budget to preempt cities from regulating ingredients used in the fast-food industry.[2]

Other Challenges. Bans on meat or other animal-based products face significant political challenges. Some may view meat bans as an overreach of government power. There are also concerns about the impact bans might have on those employed by the meat industry, who run the risk of losing their jobs, and cities in states with large meat industries might face greater political resistance.

Legal Challenges to Divestment. To the extent that cities *recommend* divestment, as opposed to *requiring* it, city efforts appear very likely to survive legal scrutiny. In fact, it is becoming increasingly common for lawsuits to be brought to compel divestment from harmful industries. However, divestment policies also run the risk of retaliatory legislation from higher levels of government. For example, Texas lawmakers have proposed a bill that would require the state's investment funds to divest from companies divesting in fossil fuels.

QUESTIONS FOR DISCUSSION

1. On bans:

    a. Given the legal challenges facing cities, is there any basis for a ban on meat that might be able to withstand legal scrutiny? Would such a ban be politically feasible?

    b. Rather than a blanket ban on meat, are there more limited categories of meat whose sale might be banned? On what basis?

2. On divestments:

    a. What role, if any, can divestment play in incentivizing a shift towards plant-based diets and reducing meat consumption? What should cities seek to divest from?

    b. On what basis is divestment justified? For example, can divestment from animal agriculture help cities achieve climate targets?

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[1] *Nat'l Meat Ass'n v. Harris*, 565 U.S. 452 (2012). Under this precedent, local attempts to regulate animal slaughter would also likely be preempted by FMIA.

[2] Ironically, this state law was later preempted by a federal ban on artificial trans fats.