



REPORT ON LEGISLATION BY THE ANIMAL LAW COMMITTEE

Int. No. 1766-2019

Council Member Rosenthal

A LOCAL LAW to amend the administrative code of the city of New York, in relation to requiring the commissioner of health and mental hygiene to establish a Green Monday program for the provision of plant-based food by certain city agencies and in food service establishments, and to educate the public about the benefits of eating plant-based food.

THIS BILL IS APPROVED

I. SUMMARY OF THE PROPOSED LEGISLATION

Pursuant to this law,¹ the commissioner would establish a Green Monday program, the goal of which is to promote the benefits of eating plant-based food — that is, food not derived from animal products. The law has three main components.

First, as part of the Green Monday program, city agencies that serve food as part of a public program shall serve only plant-based food on Mondays.

Second, in order to educate the public about the benefits of eating plant-based food, the commissioner will create posters and fact sheets about the Green Monday program, and will work with the Commissioner of the New York City Department of Environmental Protection, as well as request input from the Green Monday US organization, to develop educational materials. Such materials will be in the “designated citywide languages,” i.e., the six limited English proficiency languages spoken by the New York City population as determined by the New York City Department of City Planning and the Office of the Language Services Coordinator.²

Third, any food service establishment may participate in the Green Monday program, and if such establishment provides to the commissioner a certification that the establishment serves

¹ See New York City Council, Intro. 1766-2019. A copy of the bill is available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4196300&GUID=323DB6A7-386F-4392-864A-465BF8991329&Options=ID%7cText%7c&Search=1766>. (All online sources cited in this report were last visited on December 17, 2021).

² N.Y.C. Admin. Code § 23-1101.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has 25,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

only plant-based food each Monday, then the commissioner will provide a certificate for display to that food service establishment recognizing its participation in the Green Monday program.

II. BACKGROUND

“Meatless Monday” is a national and international campaign that encourages people to enjoy meat-free meals on Mondays to improve their health and to promote animal welfare, wildlife protection, and environmental and agricultural sustainability.³ The campaign began during World War I as a nationwide rationing effort, and was utilized again during World War II.⁴ In 2003 the organization The Monday Campaigns revived the program as a way of improving public health, promoting animal welfare, and supporting environmentally sustainable agricultural practices.⁵ Since then, “Meatless Monday” proclamations and resolutions have been passed in several U.S. cities, including Los Angeles,⁶ Philadelphia,⁷ South Miami,⁸ and Washington, D.C.⁹

This proposed law builds on the “Meatless Monday” law that went into effect in New York City public schools this year after a successful pilot program.¹⁰ That program, which provided students with all-vegetarian breakfast and lunch offerings, is now in effect citywide. Mayor de Blasio has praised the program’s benefits to both New Yorkers and the environment: “Cutting back on meat a little will improve New Yorkers’ health and reduce greenhouse gas emissions. We’re expanding Meatless Mondays to all public schools to keep our lunch and planet green for generations to come.”¹¹

And, effective December 2, 2019, the New York City Department of Correction (DOC) is participating in Meatless Mondays as well. The DOC’s Meatless Monday menus are for those in custody as well as staff members. DOC Commissioner Cynthia Brann sees the program as central

³ See New York City Council, Res. 0551-2015, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2141268&GUID=8E7E5E78-ADE5-4A54-8B2E-06FF24486882>. After Resolution 0551-2015 was introduced, the New York City Bar Association’s Animal Law Committee (“NYCBA Animal Law Committee”) issued an article emphasizing the benefits of Meatless Mondays. NYCBA Animal Law Committee, “Animal Law Committee Supports Meatless Mondays” (Nov. 23, 2015), <https://www.nycbar.org/media-listing/media/detail/animal-law-committee-supports-meatless-mondays>.

⁴ Tori Avey, *Discover the History of Meatless Mondays*, PBS: The History Kitchen (Aug. 16, 2013), <https://www.pbs.org/food/the-history-kitchen/history-meatless-mondays/>.

⁵ Meatless Monday, *History*, <https://www.meatlessmonday.com/about-us/history/>.

⁶ Council of the City of Los Angeles, Res. 12-1721 (Oct. 31, 2012), http://clkrep.lacity.org/online/docs/2012/12-1721_RESO_10-31-12.pdf.

⁷ City of Philadelphia, Res. No. 130749 (Oct. 17, 2013), http://cdn.phillymag.com/wp-content/uploads/2013/10/Meatless_130749.pdf.

⁸ City Commission of the City of South Miami, Res. 259-13-14077 (Dec. 3, 2013), <http://cok.net/wp-content/uploads/2013/01/South-Miami-MM-Resolution.pdf>.

⁹ Council of the District of Columbia, Res. 19-101 (July 12, 2011), <https://www.dcregs.dc.gov/Common/NoticeDetail.aspx?NoticeId=N0016201>.

¹⁰ *New York Schools Join Meatless Monday*, Meat Free Mondays (Mar. 20, 2019), <https://www.meatfreemondays.com/new-york-schools-join-meatless-monday/>.

¹¹ *Id.*

to the agency's aims and also beneficial to the planet: "Promoting the wellbeing of those in our custody is a core component of our mission, and we take pride in introducing a healthier lifestyle to all. Our regular menu not only exceeds many FDA standards, but by joining the Meatless Mondays initiative we are providing more nutritious options once a week. We are also proud to be encouraging a healthier planet with less of a carbon footprint. Our hope is that individuals leave our custody more mindful of the benefits of a reduced meat diet, both for themselves and for the planet."¹²

The proposed Green Monday program would extend the Meatless Monday law to city agencies that serve food as part of a public program, allow food service establishments to obtain a Green Monday display certificate by certifying they serve only plant-based food on Mondays, and create educational materials for New Yorkers on the benefits of eating plant-based food. Overall, the law strengthens the city's prior commitment to promote environmentally-friendly, plant-based food choices one day per week.

III. REASONS FOR SUPPORT

Promoting plant-based food choices brings benefits to animals, to New Yorkers' personal health, and to the environment. The Green Monday program could also benefit local restaurants and help educate New Yorkers about plant-based eating.

a. Benefits for Animals

Over 9.7 billion land animals are slaughtered each year in this country for food.¹³ The vast majority of these animals come from Concentrated Animal Feeding Operations (CAFOs),¹⁴ where inhumane practices, such as extreme confinement, are common.¹⁵ By eating less meat, consumers will reduce the number of animals slaughtered each year and potentially have an impact on the number of animals treated inhumanely before slaughter.

¹² N.Y.C. Department of Correction, *Press Release: New York City Department of Correction Joins the Citywide Meatless Mondays Project* (Dec. 2, 2019), <https://www1.nyc.gov/site/doc/media/meatless-mondays.page>.

¹³ Numbers are for 2019, the last full year for which there is data, and include slaughter of cattle, calves, hogs, sheep, lambs, goats, bison, chickens, turkeys, and ducks; they do not include slaughter of fish, crustaceans, or rabbits. United States Department of Agriculture (USDA), National Agricultural Statistics Service (NASS), *Livestock Slaughter*, at 5 (Jan. 23, 2020), <https://downloads.usda.library.cornell.edu/usda-esmis/files/rx913p88g/fn107f118/1257b8885/1stk0120.pdf>; USDA, NASS, *Poultry Slaughter*, at 2 (Jan. 24, 2020), <https://downloads.usda.library.cornell.edu/usda-esmis/files/3197xm04j/ww72bt67r/3n204f353/psla0120.pdf>.

¹⁴ American Society for the Prevention of Cruelty to Animals (ASPCA), *Animals on Factory Farms*, <https://www.aspc.org/animal-cruelty/farm-animal-welfare/animals-factory-farms> ("95% of farm animals in the U.S. are raised in factory farms.").

¹⁵ See, e.g., U.S. Environmental Protection Agency, *Animal Feeding Operations Overview*, <https://www.epa.gov/npdes/animal-feeding-operations-afos>; NYCBA Animal Law Committee, Report on A.752/S.657, at II.a (June 2019), [https://s3.amazonaws.com/documents.nycbar.org/files/20071742-Confinement Animals Food.pdf](https://s3.amazonaws.com/documents.nycbar.org/files/20071742-Confinement%20Animals%20Food.pdf).

b. Personal Health Benefits

Research shows that a diet high in fruits, vegetables, grains, and beans can help fight heart disease,¹⁶ hypertension,¹⁷ diabetes,¹⁸ and cancer,¹⁹ and even going meatless for just one day a week can lower the risk of these diseases.²⁰

Not surprisingly, various health organizations have recommended that people eat less meat. For instance, in its 2015 report, the Dietary Guidelines Advisory Committee, the nation's dietary advisory panel, concludes that "the U.S. population should be encouraged and guided to dietary patterns that are. . . lower in red and processed meat."²¹ The Committee issues this report every five years to reflect its updated recommendations to the Department of Agriculture and Department of Health and Human Services, and the report informs the Dietary Guidelines developed by those agencies.²²

Health benefits attach not just to reduced meat consumption, but also to plant-based (i.e., vegan) diets.²³ The American Medical Association, for instance, passed a Healthy Food Options in Hospitals resolution that calls on hospitals to provide "a variety of healthy food, including plant-

¹⁶ See, e.g., Hana Kahleova et al., *Vegetarian Dietary Patterns and Cardiovascular Disease*, 61 *Progress in Cardiovascular Diseases* 54 (2018), <https://www.sciencedirect.com/science/article/abs/pii/S0033062018300872?via%3Dihub>.

¹⁷ See, e.g., Yoko Yokoyama et al., *Vegetarian Diets and Blood Pressure*, *JAMA Internal Medicine* (Apr. 2014), <https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/1832195>.

¹⁸ See, e.g., Neal D. Barnard et al., *A Low-Fat Vegan Diet Improves Glycemic Control and Cardiovascular Risk Factors in a Randomized Clinical Trial in Individuals With Type 2 Diabetes*, 29 *Diabetes Care* 1777 (2006), <https://care.diabetesjournals.org/content/diacare/29/8/1777.full.pdf>.

¹⁹ See, e.g., Dagfinn Aune, *Fruit and Vegetable Intake and the Risk of Cardiovascular Disease, Total Cancer and All-cause Mortality — A Systematic Review and Dose-response Meta-analysis of Prospective Studies*, 46 *Intl. J. of Epidemiology* 1029 (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5837313/pdf/dyw319.pdf>.

²⁰ See Meatless Monday, *Why Meatless?*, <http://www.meatlessmonday.com/about-us/why-meatless/> (compiling various scholarly articles).

²¹ See U.S. Department of Agriculture & U.S. Department of Health & Human Services, *Scientific Report of the 2015 Dietary Guidelines Advisory Committee* (Feb. 2015), at 4, <http://www.health.gov/dietaryguidelines/2015-scientific-report/PDFs/Scientific-Report-of-the-2015-Dietary-Guidelines-Advisory-Committee.pdf>.

²² Office of Disease Prevention and Health Promotion, *2015-2020 Dietary Guidelines*, <https://health.gov/our-work/nutrition-physical-activity/dietary-guidelines/previous-dietary-guidelines/2015>.

²³ Rachel Meltzer Warren, *The Benefits of a Plant-Based Diet*, *Consumer Reports* (Dec. 16, 2015), <https://www.consumerreports.org/diet-plans/plant-based-diet/>.

based meals,”²⁴ and the American College of Cardiology made the same recommendation.²⁵ Well-planned vegetarian and vegan diets are appropriate for all stages of fetal, infant, child, and adolescent growth.²⁶ Further, vegetarian and vegan diets typically meet or exceed recommended protein intake when calorie intake is adequate,²⁷ and many plant-based foods (such as beans, lentils, and tofu) meet USDA’s nutrition guidelines for school meals as meat alternates.²⁸

The Green Monday program is an easy and efficient way to encourage New Yorkers to increase their intake of plant-based foods, in line with these recommendations. Doing so may have a particularly significant impact on New Yorkers: According to the New York State Department of Health, nearly 1.7 million New Yorkers have diabetes, and forty percent of all deaths in the state are attributable to heart disease.²⁹ And in fact, New York State passed a law requiring hospitals providing inpatient or residential care to offer patients, on request, a plant-based alternative for every meal or snack.³⁰

c. Benefits for the Environment

A plant-based diet benefits the environment in several ways. For one, it requires fewer resources and causes less pollution than an animal-based diet.³¹ Cutting down on meat

²⁴ *Healthy Food Options in Hospitals H-150.949*, American Medical Association, <https://policysearch.ama-assn.org/policyfinder/detail/Healthy%20Food%20Options%20in%20Hospitals%20H-150.949?uri=%2FAMADoc%2FHOD.xml-0-627.xml>.

²⁵ *Planting a Seed: Heart-Healthy Food Recommendations for Hospitals*, American College of Cardiology, <https://www.acc.org/membership/sections-and-councils/prevention-of-cardiovascular-disease-section/about-us/section-sub-groups/features/hospital-food-program>.

²⁶ Academy of Nutrition and Dietetics, *Position of the Academy of Nutrition and Dietetics: Vegetarian Diets*, J. Academy of Nutrition & Dietetics (2016) (“It is the position of the Academy of Nutrition and Dietetics that appropriately planned vegetarian, including vegan, diets are healthful, nutritionally adequate, and may provide health benefits for the prevention and treatment of certain diseases. These diets are appropriate for all stages of the life cycle, including pregnancy, lactation, infancy, childhood, adolescence, older adulthood, and for athletes.”), available at <https://www.eatrightpro.org/-/media/eatrightpro-files/practice/position-and-practice-papers/position-papers/vegetarian-diet.pdf>; M. Amit, *Vegetarian Diets in Children and Adolescents*, 15(5) Paediatrics & Child Health 303 (2010) (“Well-planned vegetarian and vegan diets with appropriate attention to specific nutrient components can provide a healthy alternative lifestyle at all stages of fetal, infant, child and adolescent growth.”) (citing American Dietetic Association et al., *Position of the American Dietetic Association and Dietitians of Canada: Vegetarian diets*, 64(2) Can. J. Diet. Pract. Res. 62-81 (2003); American Academy of Pediatrics, Committee on Nutrition, *Pediatric Nutrition Handbook* (6th ed. 2009); V. Messina et al., *Considerations in Planning Vegan Diets: Children*, 101(6) J. Am. Diet. Assoc. 661-9 (June 2001)), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2912628/>.

²⁷ Academy of Nutrition and Dietetics, *Position of the Academy of Nutrition and Dietetics: Vegetarian Diets*, note 26 above.

²⁸ See USDA Food & Nutrition Service, *Food Buying Guide for Child Nutrition Programs: Section 1 Meat/Meat Alternates*, available at <https://fns-prod.azureedge.net/sites/default/files/cn/SP16-2013a1.pdf>.

²⁹ *Diabetes and Diabetes Prevention*, New York State Department of Health (Nov. 2019), <https://www.health.ny.gov/diseases/conditions/diabetes/>.

³⁰ A.4072/S.1471A, 2019-2020 Legis. Sess. (codified at N.Y. Public Health Law § 2827).

³¹ See generally Food & Agricultural Organization of the United Nations (“FAO”), *Livestock’s Long Shadow — Environmental Issues and Options* (2006), <http://www.fao.org/3/a0701e/a0701e.pdf>.

consumption can also help limit one's carbon footprint and save resources like fresh water, because the water usage for raising animals for food far exceeds that for growing vegetables and grains.³² According to a 2013 report of the Food and Agriculture Organization of the United Nations, the animal agriculture sector contributes an estimated 14.5 percent of global emissions of greenhouse gases such as carbon dioxide, methane, and nitrous oxide.³³

More recently, the Dietary Guidelines Advisory Committee (discussed above in Section III.B) urged consumers to consider the environmental footprint of their food. The Committee recommends eating less red and processed meat, as raising animals for food is a leading cause of deforestation, biodiversity loss, and fresh water use, in addition to being a major source of the methane emissions that contribute significantly to climate change.³⁴

d. Benefits to Local Businesses

Demand for plant-based food options has grown significantly in recent years — a demand that businesses see as an opportunity.³⁵ In addition, according to a 2013 article in *Nation's Restaurant News*, many restaurateurs find that Meatless Mondays can be beneficial to business by enticing people to dine out on Monday, a day of the week that can be slow for business.³⁶ The Green Monday program, which will provide any city food service establishment with a Green Monday display certificate if they certify they serve only plant-based food on Mondays, could have the same effect.

e. Educational Benefits

While demand for plant-based foods is growing, relatively few Americans adhere to a plant-based diet, and many individuals do not know much about plant-based foods. According to a 2018 Gallup poll, 3% of Americans identify as vegan.³⁷ A 2016 survey found that 25% of

³² *Id.* at 167.

³³ See FAO, *Tackling Climate Change Through Livestock* (2013), at 15, <http://www.fao.org/3/i3437e/i3437e.pdf>. Cattle are the main contributor of animal agriculture emissions, representing 65 percent of sector emissions. Cattle raised for beef and cattle raised for dairy generate similar amounts of emissions. *Id.*

³⁴ See U.S. Department of Agriculture & U.S. Department of Health & Human Services, *Scientific Report of the 2015 Dietary Guidelines Advisory Committee*, note 21 above.

³⁵ See, e.g., Brian Kateman, *Vegan Restaurants Are On The Rise*, *Forbes* (Aug. 21, 2019), <https://www.forbes.com/sites/briankateman/2019/08/21/vegan-restaurants-are-on-the-rise/#50dd906c1e80>; Janet Forgive, *The Growing Acceptance of Veganism*, *Forbes* (Nov. 2, 2018), <https://www.forbes.com/sites/janetforgive/2018/11/02/picturing-a-kindler-gentler-world-vegan-month>; Baum Whiteman, Consultants Predict 11 Hottest Food & Beverage Trends in Restaurant & Hotel Dining for 2020, https://a0193a7b-04c0-45e2-b939-b1033d2f1ed3.filesusr.com/ugd/0c5d00_e14cbec28f26445fb5fc3a8ca1505289.pdf; Grubhub, *Taste of 2019*, <https://blog.grubhub.com/tasteofgrubhub2019>.

³⁶ Anita Jones-Mueller, *Restaurants See Success with 'Meatless Monday'*, *Nation's Restaurant News* (Aug. 9, 2013), <http://nrn.com/healthy-dining/restaurants-see-success-meatless-monday>.

³⁷ RJ Reinhart, *Snapshot: Few Americans Vegetarian or Vegan*, *Gallup* (Aug. 1, 2018), https://news.gallup.com/poll/238328/snapshot-few-americans-vegetarian-vegan.aspx?fbclid=IwAR3R_VMJy-0Svxxv-o-Q6u3Lc7OvtYGP9d6Rcn0pnvzd39ob8O_3KezqXN-c.

consumers believe a vegan diet is either not very healthy or not healthy at all, and 3% of consumers had never heard of a vegan diet.³⁸ In a poll conducted in the U.K., 30% of respondents did not know what goes into a vegan diet, and 20% of respondents said that they would like to try veganism, but have avoided doing so because they believe vegan food options are boring.³⁹

By providing educational materials and spreading awareness of plant-based food options, the Green Monday program could help educate New Yorkers about the benefits of eating plant-based foods. Meatless Monday programs focus on the benefits of reducing meat consumption. The Green Monday program has the additional benefit of educating New Yorkers about the benefits of reducing the consumption of other animal products, such as dairy. It could also help educate New Yorkers about alternatives to meat and dairy.⁴⁰

IV. RECOMMENDATIONS

The proposed legislation is supported in its current form, but we suggest two recommendations.

First, § 17-199.12(c) provides that the commissioner shall create posters and fact sheets to educate New Yorkers about the benefits of eating plant-based foods. This section could be improved by adding specific requirements about how these educational materials must be distributed and displayed. For example, the law could require that posters be displayed at all city agencies, or that fact sheets be distributed at public programs where food is served as part of the Green Monday program.

Second, § 17-1507 provides that the commissioner shall create and implement a system for restaurants to participate in the Green Monday program. This section could be improved by adding a requirement that the list of participating restaurants must be published online, so that New Yorkers can more easily access information about these restaurants, and so that restaurants would have further incentive to participate in the program.

V. CONCLUSION

The proposed Green Monday program builds on and expands New York City's current efforts to promote plant-based eating. Promoting plant-based food choices benefits animals, the environment, and personal health. The Green Monday program could also benefit local businesses and help educate New Yorkers about plant-based eating.

³⁸ *Consumer attitudes towards the vegan diet in the United States in 2016*, Statista, <https://www.statista.com/statistics/591966/us-consumer-attitudes-towards-the-vegan-diet/>.

³⁹ Richard Jenkins, *Half of Britons Would Rather Give Up Alcohol for a Month Than Be Vegan, Survey Claims*, Independent (Jan. 22, 2019, 2:10 PM), <https://www.independent.co.uk/life-style/vegans-veganism-misconceptions-tired-irritable-boring-alcohol-dairy-survey-a8740406.html>.

⁴⁰ See, e.g., Melissa Clark, *The Meat-Lover's Guide to Eating Less Meat*, N.Y. Times (Dec. 31, 2019), <https://www.nytimes.com/2019/12/31/dining/flexitarian-eating-less-meat.html> (discussing the benefits of flexitarianism and providing tips on how to eat less meat and dairy).

For the above reasons, the Animal Law Committee of the New York City Bar Association supports the proposed legislation.

Animal Law Committee
Robyn S. Hederman, Co-chair
Rebecca Seltzer, Co-chair

December 2021⁴¹

⁴¹ This report was drafted during the term of Chris Wlach, former Chair of the Animal Law Committee.