

STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS

In the Matter of Compelling Compliance with the Provisions
of Section 305-a(1) of the Agriculture and Markets Law

ORDER

TO: The City of New York
City Hall
New York, NY 10007
Attn: Hon. Mayor Eric Adams

The City of New York Law Department
100 Church Street
New York, NY 10007
Attn: Chief Stephen Louis, Esq.

WHEREAS, the Department, upon the request of Hudson Valley Foie Gras, LLC (HVFG) and La Belle Farm, Inc. (LBF), farm operations located in Sullivan County Agricultural Districts Nos. 1 and 4, has undertaken a review of City of New York Local Law No. 2019/202, see NYC Admin Code §17-1901, et seq, ("Local Law 202"), which regulates and proscribes the sale of force-fed products within New York City; and

WHEREAS, the Department has conducted an investigation, including a site visit, and has received submissions from HVFG, LBF and New York City; and

WHEREAS, by its Interim Determination, dated August 4, 2020 and its Final Determination, dated December 7, 2022, the Department found that Local Law 202 unreasonably restricts HVFG and LBF's farm operations and on-farm practices, and said farm operations are located in county adopted, State certified agricultural districts; and

WHEREAS, New York City neither contends nor has submitted any information demonstrating any public health or safety threat in connection with the prohibition of the sale of force-fed products within New York City; and

WHEREAS, the Department has issued its Final Determination, ruling that Local Law 202, NYC Admin Code §17-1901, et seq., violates Section 305-a(1) of the Agriculture and Markets Law, and the policy and goals of Agriculture and Markets Law Article 25-AA, it is hereby


ORDERED, pursuant to the provisions of Section 36 of the Agriculture and Markets Law, that the City of New York immediately comply with the provisions of Section 305-a of the Agriculture and Markets Law and not take any action, whether direct or indirect, in the administration of or pursuant to Local Law 202, NYC Admin Code §17-1901, et seq. that would restrict HVFG's and/or LBF's ability to sell their

product in the New York City market due to their on-farm gavage feeding practices; and it is further

ORDERED, that this Order shall take effect immediately upon the service of a certified copy thereof on the Mayor of New York City, by mail to Eric Adams, Mayor of the City of New York, City Hall, New York, NY 10007; and it is further

ORDERED, that the City of New York shall notify the Department within ten business days of the service of the Final Determination and Order whether the Order is accepted and will be obeyed.

Dated and Sealed this 14th
day of December 2022
at Colonie, NY


RICHARD A. BALL
Commissioner of Agriculture and
Markets of the State of New York