



New York Farm Bureau
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MEMORANDUM OF OPPOSITION

Senate Bill 933-A (Senator Gianaris) / Assembly Bill 1812-A (Assemblyman Dinowitz)

AN ACT TO AMEND THE GENERAL BUSINESS LAW, IN RELATION TO ACTIONS OR PRACTICES THAT ESTABLISH OR MAINTAIN A MONOPOLY, MONOPSONY OR RESTRAINT OF TRADE, AND IN RELATION TO AUTHORIZING A CLASS ACTION LAWSUIT IN THE STATE ANTI-TRUST LAW

Date: 1/10/2022

New York Farm Bureau, the state's largest general farm advocacy organization, urges you to oppose the above referenced legislation. This bill would replace New York's antitrust laws with an extremely anti-consumer and anti-competitive law and would force New York to exist as an island unto its own when it comes to doing business in the nation and world.

This proposed legislation would apply significantly increased penalties to violations that constitute the "abuse" of a "dominant position" in the conduct of any business or commerce – key terms that are undefined in the legislation. While it is important for antitrust laws to be enforced against anti-competitive conduct, the resulting vague and broad provisions of this bill would allow enforcement and penalties against business conduct that is clearly pro-competitive and results in consumer benefits. The bill would also significantly expand the opportunity to bring cases under antitrust, by authorizing private class action suits for the recovery of damages.

If this legislation were to pass, farms of all sizes could be subject to overly restrictive rules that could threaten their competitive standing in their town, county, or region – merely by having a successful business and a strong position in its local market. While we appreciate the language in the bill exemption agricultural coops for these requirements, we still have concerns as there is an increased public interest in buying local food, several farms across various agricultural industries sell directly to consumers, and bypass cooperatives altogether. The dairy industry has increasingly deviated from cooperatives over the last several years, and fruit and vegetable growers have rarely ever engaged in cooperatives.

For these reasons, New York Farm Bureau requests your opposition to this legislation.