

Food Law

The newsletter of the Illinois State Bar Association's Section on Food Law

Restaurant Responses to Food Allergies

BY NABILAH NATHANI, JESSICA GUARINO, & A. BRYAN ENDRES

Introduction

Food is a source of nutrition, social bonding, and cultural ties, but for those with allergies, it can be deadly. About one in ten American adults, and one in five American children, struggle with a food allergy.¹ Exposure to a specific ingredient or food item can range from mild effects, including itching, watery eyes, and runny noses, to severe outcomes, including

anaphylactic shock and possibly even death.² While these outcomes vary in severity, a food allergy is a chronic and sometimes even lifelong health condition, requiring extensive management, such as regular medical attention, limiting social activities, and being vigilant about avoiding certain ingredients and types of food.³

Continued on next page

Restaurant Responses to Food Allergies

1

Food and Agricultural News Update

1

Illinois Law Update: Legislation

6

Update on the ISBA's Diversity, Equity, Inclusion, and Accessibility Initiatives Regarding Disability and Disabled People

7

Food and Agricultural News Update

BY LYNNE R. OSTFELD

A new year always brings new laws and this year will bring attention to renewing the Farm Bill sometime this fall.

In the meantime, the following are of interest:

Working Farms Fund

The metro areas where sustainably grown food is sought is the same area where developers are looking to build. Acreage growing food in metro Chicago went from 11,000 acres in 1995 to 4,600 acres in the mid-2010s.

The Conservation Fund is chartered for both land and water conservation and sustainable economic development. It recently received a grant from the U.S. Department of Agriculture to develop its new Working Farms Fund program. It is national but now active in metro Chicago.

They are trying to conserve farmland to prevent its loss and work to increase the supply of food in the region. They are trying to create affordability for farmers, particularly young and new farmers, to help

Continued on page 5

Restaurant Responses to Food Allergies

CONTINUED FROM PAGE 1

Since the general diagnosis and management of food allergies are through treating symptoms and avoiding allergens, most individuals tend to focus on the latter as a form of preventative care.⁴ This means that people with allergies must take a variety of precautions before they eat, including reading food labels, avoiding prepared foods at social events, and ensuring that no cross-contamination has occurred.⁵ These experiences can be challenging and expensive for those with food allergies, but that's before the restaurant experience is taken into consideration.⁶ Given the space for cross-contamination and lack of knowledge surrounding ingredients in the dining out experience, many individuals with allergies approach restaurants with trepidation.⁷ Diners may call restaurants in advance to inform them about specific allergies or even print cards with guidance for chefs to apply when preparing their meal.⁸ Restaurants can also help lower the risk of food allergy reactions by training staff, using separate equipment, and having a plan in place.⁹ Even then, the risk of triggering an allergy remains high, as information may be lost in the chain of knowledge, both in the kitchen and outside of it. What could potentially alleviate this issue is developing an understanding of how these allergens are managed in restaurants and implementing regulations to empower consumers to make safe, healthy decisions when it comes to dining out.

While many restaurants, especially those of the chain variety, can provide guides to allergens in their dishes, or even a gluten-free menu, they are not legally obligated to provide food allergen knowledge to consumers, even when a dish contains a clear allergen.¹⁰ For instance, a pizza restaurant is not obligated to tell a consumer that a cheese pizza made of two potential allergens (dairy and wheat) contains those ingredients, even if it is obvious. Therefore, diners usually rely on their own due diligence, potentially involving reading blogs and word-of-mouth, to determine if a restaurant is safe to eat at.¹¹ To put it

briefly: the onus of knowing what potential allergens are in a dish should not be on the consumer. Rather, a restaurant should understand its demographic, and prepare responses accordingly. This is critical for chain restaurants, who form the bulk of American dining out.¹²

Part II provides insight into the current landscape of food allergen law, as applied in a restaurant setting. Part III introduces a potential solution to regulating food allergens in chain restaurants. Part IV outlines further steps for applying this solution but concludes that little research has been done on this topic.

Background

In 2004, Congress created the Food Allergen Labeling and Consumer Protection Act, which covered packaged food items, such as a prepared tray of sushi a consumer may purchase in a grocery store.¹³ These sorts of items have a defined ingredient list, usually contain more than one ingredient, and would have a required allergen list.¹⁴ For instance, a tray of tuna wouldn't need an ingredient list, but a prepackaged tray of tuna and crab sushi would and would also need an allergen warning about the seafood in it, a potential allergen. Federal law does not require retail or food service companies that prepare food to order (such as restaurants or deli counters) to share ingredient lists or potential allergy triggers with consumers.¹⁵ Essentially, that means that any dining establishment that prepares food specifically for each consumer does not need to provide them with an ingredient list or inform them that a dish contains allergens. Of course, most restaurants can and will provide ingredient lists, warn consumers about cross-contamination, and have signs indicating that dishes with allergens will be served, but there is no guarantee that this will happen since they are not legally required to do so.

There's one exception to this federal law. If a restaurant or food service company prepares food and sells it for home consumption, those packages are required

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OFFICE

ILLINOIS BAR CENTER
424 S. SECOND STREET
SPRINGFIELD, IL 62701
PHONES: 217-525-1760 OR 800-252-8908
WWW.ISBA.ORG

PUBLICATIONS MANAGER

Sara Anderson
✉ sanderson@isba.org

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to list ingredients with allergy warnings.¹⁶ For instance, the Chicago deep-dish pizza chain Lou Malnati's ships pizza directly to consumers' doors.¹⁷ A consumer may determine that because a prepackaged cheese pizza doesn't contain any major allergens (based on the ingredient list and allergy warnings) that the same cheese pizza, in the restaurant, would contain the exact same ingredients. But this is a faulty assumption. Recipes vary across restaurants, and prepackaged food may be made off-site, where it could be subject to radically different regulations.¹⁸

Another exception is that while restaurants are not required to label allergens in food that they serve, including mentioning whether a dish is gluten-free, they *are* required to do so for a prepackaged dish that is "gluten-free".¹⁹ As an example, if the fast-casual Italian dining chain Olive Garden was to sell prepackaged, gluten-free pasta, they would need to adhere to the FDA rule on gluten-free labeling and ensure that the dishes they've labeled "gluten-free" should contain less than twenty parts per million of gluten.²⁰ While this rule does not apply to labeling menu items, the FDA suggests that restaurants making gluten-free claims on their menus adhere to the standard for gluten-free labeling of packaged food.²¹ These two loopholes, despite having potential, are not well-known to consumers, and apply in only a handful of situations, indicating the need for more comprehensive law.

The Food and Drug Administration (FDA) has created a Food Code, which is updated and published regularly.²² The 2022 Food Code mandates that the person in charge of a restaurant demonstrate knowledge of the nine major food allergens regulated by the FDA, and the symptoms of a food allergy reaction.²³ The person in charge (i.e., retail and food service managers) be made aware of the seriousness of food allergies, including the potential for anaphylaxis and death, understand food allergen ingredients and labeling, and learn to avoid cross-contamination in food preparation and service.²⁴ Food managers must also ensure that employees are trained in food safety, including food allergy awareness as it relates to their positions. The 2022 Food Code also encourages the

industry to "to develop and implement operational-specific training programs for food employees."²⁵

At the state level, laws have been adopted which have made it safer and easier for those with allergies to dine at restaurants. Massachusetts, the first state to enact a food allergy awareness law, has required restaurants to display a food allergy awareness poster in staff area, and include notices on menus reminding consumers to let their servers know if a person in their party has a food allergy.²⁶ Massachusetts has also required food allergy training for certified food protection managers, who are mandated to be on each restaurant's staff, and issued a certificate by the state health department.²⁷ In Illinois, restaurants are required by law to have "at least one manager on duty who has had training in nationally recognized standards for food allergen safety and allergen awareness available at all times that the food service establishment is in operation."²⁸

In Maryland, restaurants are required to prominently display a food allergy awareness poster in the staff area.²⁹ The state of Michigan compels food safety managers to take a training course with an allergen awareness component.³⁰ Rhode Island has followed in Massachusetts' steps by passing similar legislation requiring a food allergy awareness poster and creating a public database for restaurants that are "Food Allergy Friendly."³¹ Virginia mandated the state Board of Health to provide training standards that address food allergy awareness and safety in restaurant regulations, and the state's Health Commissioner must also provide materials on food allergy awareness to all restaurant staff.³² New York City, and St. Paul, Minnesota, have also required posters with information on food allergies to be placed in food service establishments.³³

While these efforts are valiant, the Food Code itself indicates that a vital tool in "controlling risk factors inherent in a food establishment is the development and implementation of written procedures or plans."³⁴ Without a specific structure, restaurants, especially chain ones which may have allergen awareness strategies depending on the location, can struggle to meet consumer needs.

This is where the HACCP comes in. Short for Hazard Analysis and Critical Control Points, this is a system of process control designed to prevent food safety problems.³⁵ Introduced in 1995 by the FDA, the adoption of these procedures was initially mandated for seafood processors.³⁶ The Food Safety and Inspection Service of the U.S. Department of Agriculture (USDA) applied it a year later for meat and poultry processors.³⁷ What HACCP critically does, in comparison to the legislation already mentioned, is delineating the role that government plays in food safety.³⁸ With regards to production and processing, only restaurants can make food safe, requiring responsibility and accountability through each step of the process.³⁹ The government's duty, as facilitated by HACCP, is to ensure that companies understand their responsibility towards those with food allergies by expressing it in the law, establishing standards based on available public health policy and research, and providing accountability for restaurants through appropriate oversight and enforcement.⁴⁰ Since HACCP has the potential to resolve many of the issues associated with allergen management in restaurant chains, it is worthy of research.

Method

Our research was divided into two steps: determining whether chain restaurants had restaurant-wide allergen management policies, and whether these restaurants had HACCP plans in their U.S. Securities and Exchange Commission reports. The latter step was included to demonstrate the organization's commitment to allergen management. First, a list of fast-casual chain restaurants was compiled. We selected fifty fast-casual American restaurants, serving a variety of cuisines. "Fast-casual restaurant" was defined as those with a self- or limited-service format, an average meal price between eight to fifteen dollars, offering made-to-order food in a more upscale setting without a drive-through. We primarily looked for national outreach (how many locations did each restaurant have?) and sales (how many individuals did each chain serve?). Thus, our list ranged from big players including Chipotle and Panda

Express, to up-and-coming chains such as Sweetgreen. We reviewed restaurants' websites and spoke to staff members at various locations (primarily in Illinois) to determine that most chains did not have a strategic allergen management plan in place. While most restaurants had online menus mapping nutrition information and allergens, those were less prominent in-person. For example, one fast-casual chain restaurant mentioned that a dish had nuts on the menu in-person and informed consumers that the dish contained nuts. However, we were informed that this was not a chain-wide policy, and subject to manager discretion.

Our research also determined that while many chain restaurants demonstrated a commitment to allergen management, through posting signs and informing consumers about allergens, there was no mention of HACCP plans in any of the SEC disclosure reports that we reviewed. Given that many of these chain restaurants were linked to larger parent companies, the parent companies' reports did not provide any references to HACCP plans as a form of allergen management, and minimal references to allergen management at all.

Further Steps

The Food Code states that before implementing a HACCP plan, "a strong foundation of procedures that address the basic operational and sanitation conditions within an operation" must be implemented. This could, of course, include allergen management. Though the Food Code encourages "implementation of food safety management systems based on HACCP principles," this is strictly "voluntary" at the "retail level."⁴¹ Encouraging restaurants to adopt allergen-specific HACCP plans could provide greater peace of mind to consumers. But further research is necessary regarding the economic costs/benefits of HACCP from a restaurant's operational perspective as well as benefits to consumers. In addition, a deeper understanding and comparison of chain restaurant allergen policy is necessary, along with an analysis of HACCP references in other applications. From a biological/medical perspective, food allergens are

complicated and the subject of increasing research effort to better understand the reported increase in diagnosed food allergens.⁴² With this initial research effort described above, we aim to contribute to a better understanding of the regulatory landscape and how it can encourage more proactive measures in the restaurant context. ■

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Food and Agricultural News Update

CONTINUED FROM PAGE 1

them acquire farmland.

The program is a buy, support, protect and sell model. The Conservation Fund purchases 20- to 500-acre farms facing development and then gives farmers immediate access to the land under a flexible lease with the exclusive option to buy the farm from the fund in three to five years.

From an article written by Martha Blum in Illinois AgriNews, 12/23/2022.

Large Grocer Mergers

Bruce Shultz, Vice president of the National Farmers Organization published his opposition to the mergers of large grocers in the December 23, 2022 issue of Illinois AgriNews.

He contends that it takes away profit from farmers because of the control that just a few entities can have over inputs, production, and sale.

A potential merger of Kroger and Albertsons is envisioned by their CEOs as being a means to save the combined companies over \$1 billion in administration and distribution costs. They believe that this will allow them to lower the prices they are paying distributors because this means that more products will be sold to a single and larger retailer.

For Shultz, it means that they will keep the newest and better performing stores and sell the underperforming stores. Local jobs will be lost. If they combine, they would control 15 percent of the grocery marketplace. Agricultural producers have been dealing with consolidation in input costs and markets such that three companies control 62 percent of the export market in grains. The big four meatpackers control more than 80 percent of the market.

Shultz hopes that the Federal Trade Commission denies this merger. Five state attorneys general plus the District of Columbia are currently suing to stop this merger. Sens. Amy Klobuchar (D MN) and Mike Lee (R UT) the chairwoman and ranking member, respectively, of the U. S. Senate Judiciary Sub-committee on

Competition Policy, Antitrust and Consumer Rights have stated to have serious concerns about the proposed transaction.

From a column written by Bruce Shulta, V.P. of the Nat'l Farmers Org., in Illinois AgriNews 12/23/2022.

Asian Carp

Sorce Enterprises, a food distribution and trucking company for quick service restaurants in East Peoria is now focusing on the Asian carp business. It is now known as Sorce Freshwater Co. and teams up with local fishermen and nets to take in about 150,000 pounds of Asian carp per week.

It processes about 4,000 pounds weekly into finished goods for human consumption. The most popular are minced products and strips which can be utilized in many recipes including chili, fish tacos, or as fried or baked items. The fish has been renamed Copi as part of the rebranding effort unveiled by the Illinois Department of Natural Resources this past June. The name Copi comes from "copious" because each female Asian carp can produce 2-5 million eggs per year.

Copi/Asian carp is the most consumed fish in the world, except in the US. The President of Sorce Freshwater says that it is a very mild, odor-free white fish which is quite versatile in a number of recipes and is the second-healthiest fish behind only wild-caught salmon.

Individual retail sale is done through the online farmers market - Market Wagon (MarketWagon.com).

From an article written by Daniel Grant, in FarmWeek, 12/19/2022.

Ag Provisions in the Federal Budget

There are a number of items in the recently approved \$1.7 trillion year-end spending bill which affect agriculture.

It provides \$25.5 billion in discretionary funds for USDA and FDA.

Approximately \$3.74 billion goes to USDA to assist farmers who had losses on crops, dairy products, on-farm stored commodities and crops which prevented them from planting in 2022. Up to \$494.5

million is set aside for livestock producers who suffered losses.

The Supplemental Nutrition Assistance Program (SNAP) will receive \$153 billion to cover the expansion of recipients' SNAP benefits first authorized during the coronavirus pandemic. Various nutrition programs aimed at helping low-income families will receive \$34.6 billion. Another \$2.2 billion will go to international food aid efforts, with \$1.75 billion for Food for Peace grants and \$243 million for the McGovern-Dole International Food for Education and Child Nutrition program.

The bill also contains provisions allowing USDA to establish standards and verification rules for agricultural carbon market programs.

Nearly \$4 billion is allocated for rural development programs. This includes \$455 million for broadband expansion and \$4.3 billion in guaranteed underwriting loans for the Rural Electric Program.

The Farm Service Agency will distribute \$2.19 billion in guaranteed operating loans and \$1.64 billion in direct ownership loans.

From an article written by Timothy Eggert in FarmWeek, 1/2/2023.

Ukraine and Ag Losses

Andriy Chrikov, manager of a giant chicken farm on Ukraine's Black Sea Coast reported almost total devastation of the farm when the Ukrainians took it back from the Russians. The Avangard Group's Chornobaivske chicken farm used to export a billion eggs a year. It was one of the largest exporters of these bird's eggs.

The Russian soldiers slaughtered over 4 million chickens. The farm was essentially a highly automated factory with the birds being fed, watered and having eggs collected by automated machinery. What was not stolen by the Russians was destroyed or made inoperable.

Ukraine's agricultural sector accounted for 20 percent of Ukraine's gross domestic product and more than 40 percent of all exports. Almost a quarter of this sector has

now been lost or damaged.

From an article written by Alistair MacDonald for the Wall St. Journal, 1/8/2023.

Unregulated Spices Can Cause Lead Poisoning

Contaminated spices were found to be the second-leading cause of lead poisoning in Douglas County (i.e., Omaha, NE) children in 2021. Medical testing by the Douglas County Health Department found it to be due to families fleeing war-torn Afghanistan who were using spices purchased in their home countries. This was also true of families coming from India, Myanmar and other areas of South Asia.

Refugee/Asian immigrant children made up 25 percent of lead poisoning cases in Douglas County in 2021.

The broader community could also be exposed because testing has found lead and other contaminants in spices sold at grocery stores around the world, including under

major brand names in the U.S.

The spices most likely to contain lead include cumin, curry power, masala, paprika, turmeric and chili power. Herbs most likely to contain lead include oregano and bay leaves. Lead has also been found in some tea leaves and dark chocolate.

No limits on heavy metals have been placed by the U. S. Food and Drug Administration. It is in talks with the American Spice Trade Association to learn more about contaminants in spices and options for working together to help reduce levels.

Consumer Reports tested 126 herbs and spices in 2021 and found that almost one-third contained heavy metals at levels high enough to raise health concerns.

The American Spice Trade Association said that it supports FDA limits on heavy metals in spices. It noted that the European Commission has set limits and that the World Health organization is studying the issue.

Lead gets into the spices generally during manufacturing, but it can also come from the environment during cultivation or from cookware during food preparation. In some cases lead is intentionally added to spices. Researchers have found that some manufacturers will add lead chromate to turmeric to give it a brighter yellow color or increase the weight and, therefore, profitability.

From an article by Nancy Gaarder in the Omaha World-Herald, 1/7/2023. ■

Lynne Ostfeld is a solo practitioner with her primary office in Chicago. She has a second office on a family farm in Peoria County, Illinois, and is associated with the law firm DMALEX Avocats in Paris, France. Ostfeld has a general civil practice and concentrates on legal assistance to small and medium sized companies and individuals, in the US and in France. In 2017, Ostfeld was awarded the Medal of Knight of the French National Order of Merit for her work for the French in the Midwest, as legal advisor to the Consulate of France in Chicago.

Illinois Law Update: Legislation

Fair Food and Retail Delivery Act

New regulations for third-party food delivery services

Public Act 102-1056 (effective Jan. 1, 2023).

The Illinois General Assembly enacted the Fair Food and Retail Delivery Act. It places limits on third-party delivery services' interactions with merchants. Third-party delivery services may no longer utilize a merchant's name, likeness, registered trademark, or intellectual property, or process orders without the merchant's permission in writing.

A merchant may bring an action in a circuit court against a third-party delivery service for violating these portions of the Act. Merchants may recover actual damages incurred or \$5,000 from the third-party delivery service, whichever is greater. This Act also allows judges to award equitable relief and punitive damages where

appropriate.

Healthy Food Development Act

Healthy Food Development Program aids grocery stores and other small food retailers

Public Act 102-1049 (effective Jan. 1, 2023).

The Illinois General Assembly enacted the Healthy Food Development Act. It allows the Department of Human Services to coordinate with the Department of Commerce and Economic Opportunity to create the Healthy Food Development Program. The program assists grocery stores, corner stores, farmers' markets, and other small food retailers in eligible areas who agree to sell produce and other healthy foods for at least three years.

Benefits for those retailers who join the program may include grants, loans, state tax credits, equipment, technical assistance, and other financial assistance. Priority

for this assistance will go to those entities in areas most lacking in retail options for healthy food. Entities participating will be encouraged to hire in-state employees and accept benefits from the federal Supplemental Nutrition Assistance Program and the Women, Infants, and Children program. The program will also appoint a grocery ambassador to assist retailers with regulation and research. ■

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Update on the ISBA's Diversity, Equity, Inclusion, and Accessibility Initiatives Regarding Disability and Disabled People

BY PATTI CHANG

The Illinois State Bar Association (ISBA) strives to increase diversity, equity, inclusion, and accessibility (DEIA) in many ways and is making DEIA a top priority going forward. This article provides an update on the ISBA's DEIA initiatives with respect to disability and disabled people. But before moving on, a quick note regarding the verbiage used in this article is in order. We use identity first language intentionally because the author of this article prefers it, while at the same time, we acknowledge that not all people with disabilities have the same preference. So, we speak in terms of "disabled people" as opposed to "a person who is disabled."

We at the ISBA also believe that efforts around DEIA are helpful to all. Take curb cuts as an example; though originally developed to increase accessibility for people using wheelchairs, they are also helpful to those pushing baby strollers or pulling rolling suitcases too. Scanners and optical character recognition are also widely used technologies that were originally invented to aid the blind in reading printed materials which could then be translated from text to speech. The key takeaway here is that making changes to our world to make it more accessible to disabled people yields dividends for everyone.

The ISBA's Disability Law Committee

There is an axiom in the disability community—"nothing about us without us." As the ISBA is no exception, our DEIA efforts around disability begin with our Disability Law Committee. The Committee's charges include promoting fair and equal treatment of disabled people and providing a forum for education and advocacy as it relates to disabled people generally; as well

as to further the professional development and inclusion of attorneys and law students with disabilities, and practitioners who serve disabled clients, by creating programming and other resources to support their professional needs. Additionally, the Disability Law Committee actively supports inclusivity within the ISBA through outreach to various stakeholders in the legal community.

The Committee also brings accessibility barriers to the attention of ISBA leadership and staff. For example, the Committee presses the ISBA to commit to using only accessible event venues that are welcoming to people using wheelchairs (see more on this below). The Committee also points out issues within the ISBA's web presence that would be inaccessible to blind people using screen reader software.

Another important role of the Committee is to provide perspective and feedback about problematic language to ISBA staff. A good example was when the Committee was helping to shape the ISBA Accessibility Statement, which originally stated that we "encourage the visually impaired to bring along an additional individual [to events] at no additional charge to take notes or assist." This suggestion, though well-intentioned, sounds custodial and has since been replaced by simply asking members if there are reasonable accommodations that would allow them to participate more fully.

More recently, the Committee has begun to engage with ISBA staff through regular meetings on DEIA within the Association. Meetings take place every couple of months and create an ongoing dialogue which is helpful in keeping the idea that disability is part of diversity at the forefront.

This journey has not always been smooth,

but for the most part it has been moving forward and has led to positive change. The ISBA has come a long way from the author's first Midyear Meeting where she was unfortunately asked, "honey this is a meeting for lawyers. Where are you trying to go?"

Working Together in Many Areas

Through our regular meetings with ISBA staff, we are now sharing ideas and solutions. Because every disability is different and every disabled person is unique, DEIA around disability is especially complex. That said, we have been working on some key areas that I will touch upon below.

Meeting and Event Venues, Location, and Accessibility

The accessibility-related challenges inherent in meeting and event venues is best exemplified by considering the Abbey Resort in Wisconsin, where the ISBA Annual Meeting has been held many times in the past. Most attendees would attest that this venue is an accessibility nightmare with several different levels that are not easily accessed via elevators. While the ISBA did continue to return to the Abbey after accessibility barriers were pointed out by the Disability Law Committee, staff has assured us that it will no longer be a future venue for the ISBA.

As the above demonstrates, meeting venues typically pose significant challenges in relation to accessibility. Not only do we want facilities that can be easily maneuvered by all, but we also need venues that are accessible via public transit. Not everyone drives a car, and not everyone can afford to drive a car to a venue. When selecting venues, we should be asking whether the venue has proper signage and if it is friendly to those with mental health issues.

Accessibility-related issues should be top of mind when venues are sought out for ISBA meetings and events.

One way to be inclusive for disabled members and guests is to make clear that reasonable accommodations are possible and clearly state where such requests should be directed. This has been included in the ISBA Accessibility Statement, but the committee urges the ISBA to include a similar statement on all communications about virtual and in-person events that informs potential participants about the reasonable accommodation process.

Continuing Legal Education

The ISBA is thankfully encouraging CLE planners to seek out diverse speakers including disabled people. If lawyers do not see their disabled colleagues as experts in their own right, they will be less likely to have high expectations for disabled people, which impacts everything from socialization to hiring decisions. Moreover, CLE materials that are distributed to attendees should be readable by all. As such, speakers are discouraged from simply handing in scans of their materials that are images, and are encouraged to submit materials in text-based formats like Word, RTE, and text-based PDFs that allow blind people using screen readers to access those materials easily. By the way, text-based materials are searchable by all, which is a great example of how accessibility benefits everyone.

ISBA Website

The ISBA has worked hard to improve our accessibility on the web. Our accessibility statement page says it well in listing the following measures being taken to improve accessibility:

- Regular review of design and coding of website for accessibility improvements;
- Providing accessibility training for ISBA staff;
- Integrating accessibility into our procurement practices;
- Automated closed captioning available for all On-Demand CLE programs created after September 2021;

- All live CLE webcasts now offer closed captioning and transcripts via Zoom; and
- Reviewing PDFs, Word documents, and other files to prioritize documents to make accessible and to develop accessible templates for future documents.

One recent improvement the ISBA can be especially proud of is providing its judicial evaluations on the web in a more accessible format than the PDFs that had been previously used. Those statewide evaluations are available to the public and are used by almost a hundred thousand people in the November 2022 election. One grateful voter said “This is the first time I have found enough accessible information on the web in Illinois to make informed decisions in judicial races. I used to just not vote for them at all.” This change also made the judicial evaluations mobile friendly and more user friendly generally, as another example of how making something accessible benefits everyone.

Future Efforts

Is there more to do? Of course, there is more to do. Twenty to twenty-five percent of the population has a disability, yet the ISBA membership includes few disabled people and is lacking disabled people in leadership positions. ISBA staff members with disabilities are also few. Sometimes it seems that our DEIA efforts leave out those with disabilities entirely, and staff and members likely exhibit hidden, implicit biases that unintentionally exclude people.

So, the ISBA should work on future DEIA initiatives, which might include:

- Actively recruiting law students, lawyers, and employees with disabilities and creating a pipeline to leadership through networking and mentorship;
- Hiring someone on ISBA staff who has expertise in diversity, equity, inclusion, and accessibility;
- Adopting a robust plan to ensure accessibility of future venues; and
- Providing more helpful information around the law in accessible formats to the general public.

If you want to help with these efforts or know someone we should recruit to help with these initiatives and others, please reach out to the author (PCchang@nfb.org) and she'll relay the information to our Disability Law Committee. ■