



Put Your Policy Where Your Mouth Is: How Food Waste Policy Can Help Solve Climate Change and Help Your Business

3. December. 2018





a project of



COMMIT. ACT. IMPACT.

Climate Collaborative Commitment Areas



Integrate carbon farming
into the agricultural
supply chains



Increase energy
efficiency



Reduce food-waste in
the supply chain



Remove commodity-
driven deforestation
from supply chains



Responsible
engagement in
climate policy



Reduce the climate
impact of packaging



Commit to 100%
renewable power



Reduce short-lived
climate pollutant
emissions



Reduce climate
impacts of
transportation

How to commit



TAKE ACTION

BLOG

MEDIA & RESOURCES

EVENTS

ABOUT

DONATE



More companies are taking action to reverse climate change than ever before. They're tackling this global challenge not only because it's essential to the future of our planet but also because doing so offers tremendous opportunities for growth, job creation, and prosperity.

Companies can help reverse climate change by making a commitment to one or more of these initiatives.

WHY TAKE ACTION?

Climate change is both the greatest threat our planet has ever faced

MAKE A COMMITMENT

SIGNUP FOR UPDATES

Add Your Email Address



How many companies have committed?

Justin's



gaia
HERBS

321

Companies
Committing to Action

1208

Commitments



Community
FOOD CO OP



Veritable
Vegetable



REBBL™

seventh
generation.



MegaFood
Fresh From Farm To Tablet™

nutiva
NURTURE VITALITY™



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Market
Mountain Rose Herbs
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Stonyfield
Straus Family
Creamery
Studio Fab
Tacoma Park Silver
Spring Co-op
Traditional Medicinals
Trayak



COMMITMENT: REDUCE FOOD WASTE IN SUPPLY CHAINS

Why Commit To Reducing Food Waste in Supply Chains?

In the U.S., nearly 40% of the food we produce goes to waste -- more than 62 million tons of the food we grow, process, and bring to market each year is never eaten. Reducing U.S. food waste by 20% within the next decade could prevent 18 million tons of greenhouse gas emissions each year.

Businesses that commit to reducing food waste in their supply chains can reduce their climate change impacts while increasing their profits. Preventing food loss at the source reduces costs by saving ingredients, packaging, labor and waste removal. It also prevents the waste of the water, energy and other resources that went into producing the food.

186 Companies have made the Food Waste Commitment!

Previous Webinars:

- Waste Note, Want Not: Reducing Food Waste in the Supply Chain
- A Tale of Three Retailers
- Tackling Food Waste in Your Company, from Climate Day 2018

Our Speakers



Emily Broad Leib

Director,
Harvard Food Law and Policy Clinic



Lorenzo Macaluso

Director of Client Services,
Center for EcoTechnology



JoAnne Berkenkamp

*Senior Advocate, Food & Agriculture
Program,*
Natural Resources Defense Council



Moderator: **Lisa Spicka**
Associate Director
Sustainable Food Trade
Association (SFTA)



FOOD LAW
and POLICY CLINIC
HARVARD LAW SCHOOL

Hot Topics and Policy Trends in U.S. Food Waste Law

Emily M. Broad Leib, JD
Assistant Clinical Professor of Law
Director, Food Law and Policy Clinic

December 3, 2018

ABOUT FLPC

Provide **legal and policy advice** to nonprofits, government agencies, entrepreneurs, and other organizations on a range of food policy questions



Educate students about the role of law and policy in the food system



ADDRESSING FOOD WASTE: A TRIPLE-BOTTOM LINE OPPORTUNITY



People:

- Recovering just **30%** of wasted food could feed all food insecure Americans



Planet:

- 20% reduction could save **1.6 trillion gallons** of water and avoid **18 million tons** of GHGs annually

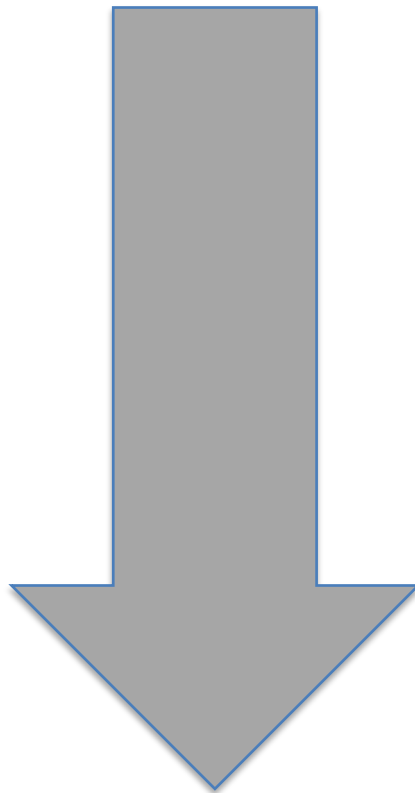


Profit:

- 20% reduction could generate **15,000** new jobs and **\$1.9 billion** in annual business profit

NATIONAL FOOD WASTE REDUCTION GOAL:

**50% REDUCTION
BY 2030**





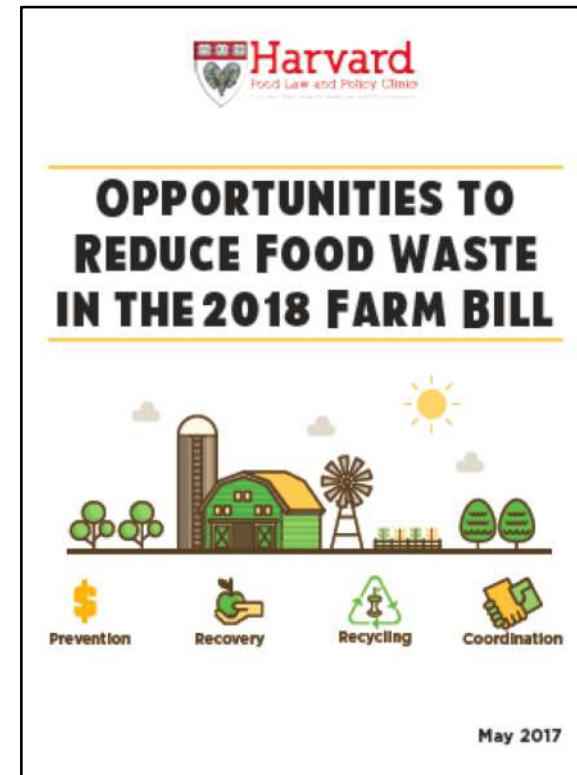
FEDERAL POLICY LANDSCAPE

- S.1680/H.R.3444 – Food Recovery Act of 2017
- H.R.952 Food Donation Act of 2017 and S.2787 Food Donation Act of 2018
- S.2824 Farm to Food Bank Act (2018)
- H.R.4425 Food and Farm Act (2017)
- H.R.2/S.3042 – Agriculture Improvement Act of 2018 (Farm Bill)
- S.3108/H.R.5298 Food Date Labeling Act of 2016
- Winning at Reducing Food Waste MOU (Oct 2018)
- National Food Waste 50% Reduction Goal (Sept 2015)



WHAT IS IN THE 2018 *Farm*BILL ?

- House Draft Farm Bill (H.R.2)
 - Food Loss and Waste Liaison
- Senate Farm Bill (S.3042)
 - Grant Resources for Food Recovery Infrastructure Investments
 - Pilot Project to Support State/Local Food Waste Reduction Plans
 - Study on Food Waste
 - Spoilage Prevention
 - Milk Donation Program
 - Food Donation Standards for Liability Protections
 - Biogas Research and Adoption of Biogas Systems





U.S. FOOD WASTE POLICY FINDER INSIGHTS

DISCOVER THE POLICIES THAT ACCELERATE THE MOVEMENT TO REDUCE FOOD WASTE



Keeping Food Out of the Landfill:

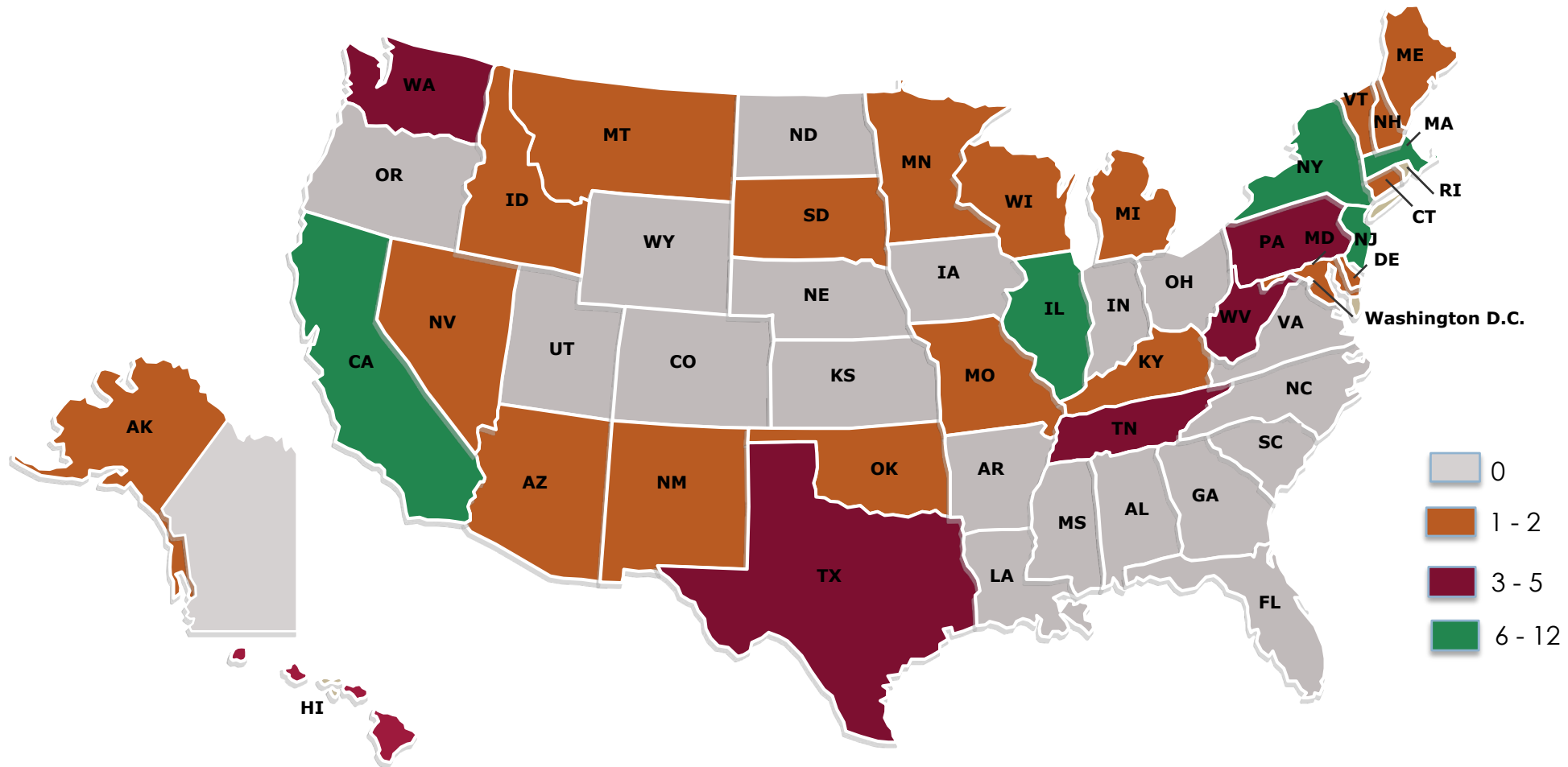
Policy Ideas for States and Localities



October 2016
Harvard
Food Law and Policy Clinic



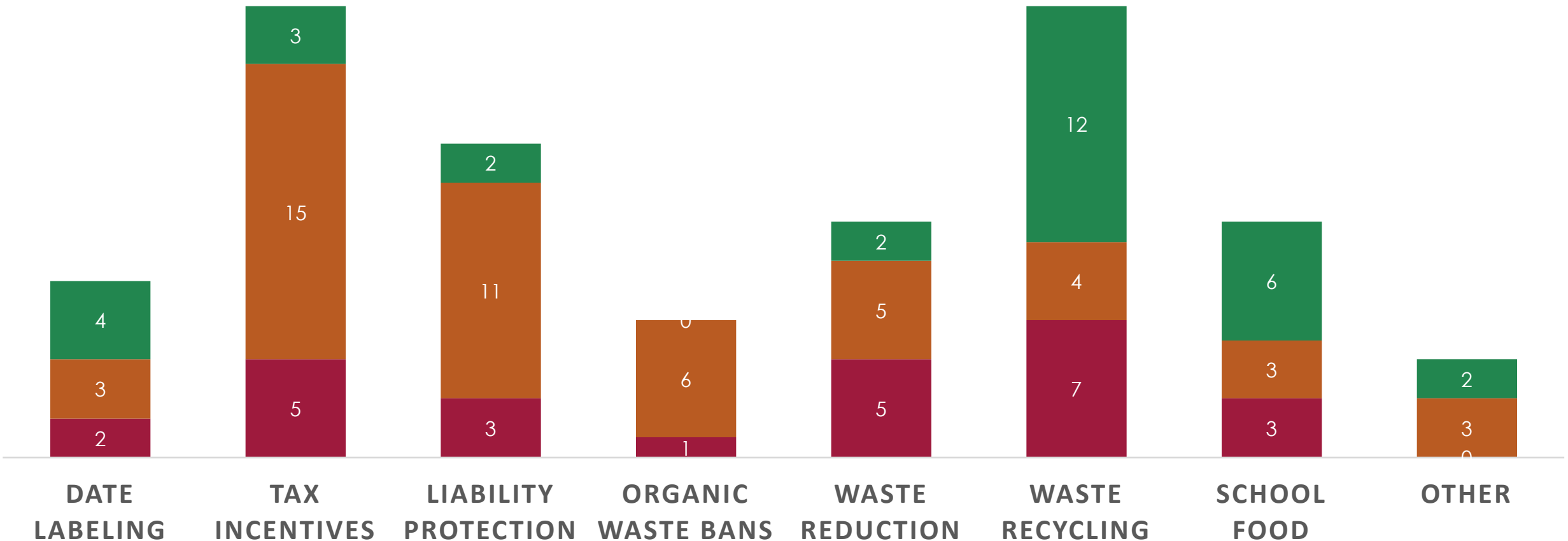
2017-18 LEGISLATION: GEOGRAPHIC DISTRIBUTION





TOP TRENDS IN INTRODUCED/ENACTED STATE LEGISLATION

■ Failed
 ■ In Progress
 ■ Enacted



DATE LABELS

Date labels are generally suggestions of peak quality

No federal definition or requirement for expiration dates

- FDA
 - Only requires date labels on infant formula
 - Does not regulate because dates not linked to safety
- USDA
 - Does not require any date label language
 - As of December 2016 recommends “best if used by” for quality label

→ **Two problems: 1) state laws 2) consumer confusion**





VOLUNTARY STANDARD

- FMI/GMA standard (Feb 2017); Consumer Goods Forum (July 2017)
 - “BEST If Used By” for quality
 - “USE By” for discard
- ***But***
 - In over half of the states, state laws prevent compliance with the standard
 - Not universal – some may use labels incorrectly
 - Education may not be complete





RECENTLY INTRODUCED LEGISLATION: DATE LABELING (FEDERAL)

Food Recovery Act – Introduced	New potential language (in discussion)
<ul style="list-style-type: none"> • 1) Standard labels <ul style="list-style-type: none"> • “BEST IF USED by” for quality <ul style="list-style-type: none"> • Quality date <i>optional</i>; if used must have the right language • “USE by” for safety <ul style="list-style-type: none"> • <i>required</i> on high risk, ready-to-eat foods • FDA/USDA create list of foods • 2) Bans states from prohibiting sale or donation of foods past quality date • 3) Requires FDA/USDA consumer educ. 	<ul style="list-style-type: none"> • Same as previously proposed legislation with these changes: <ul style="list-style-type: none"> • “Safety date” → “discard date” • Discard date = <i>optional</i>, if used must have the right language • <i>eliminates</i> FDA/USDA list of which foods should bear a discard label



RECENTLY INTRODUCED LEGISLATION: DATE LABELING (STATE)

State:

- * **CA – AB954:** Requiring Dept of Food and Agriculture to publish information to encourage food businesses to voluntarily use uniform terms on food product labels to communicate quality dates and safety dates ("BEST if used by" for quality, "USE by" for safety). (Enacted)
- **HI – SB2554:** Requiring the Dept of Health to publish information that encourages food manufacturers, processors, and retailers to use standard terminology that clarifies food safety and quality dates when labeling food products
- **AZ – HB2464:** Extending required expiration date label on eggs to forty-five days (from twenty four days) after candling. (Enacted)
- * **NH – SB491:** Repealing a law that required date labeling on cream. (Enacted)



FEDERAL TAX INCENTIVES

General Deduction:

- Value
 - Basis Value of donated property
- Requirements
 - Used for charitable purpose
 - Recipient must be 501(c)(3) non-profit

Enhanced Deduction:

- Value
 - Almost double General Deduction
- Requirements
 - Recipient must be 501(c)(3) non-profit
 - Used for care of ill, needy, or infants
 - Distributed free of charge
 - Written statement to donor
 - Food in compliance with FDCA



STATE TAX INCENTIVES (12 STATES)





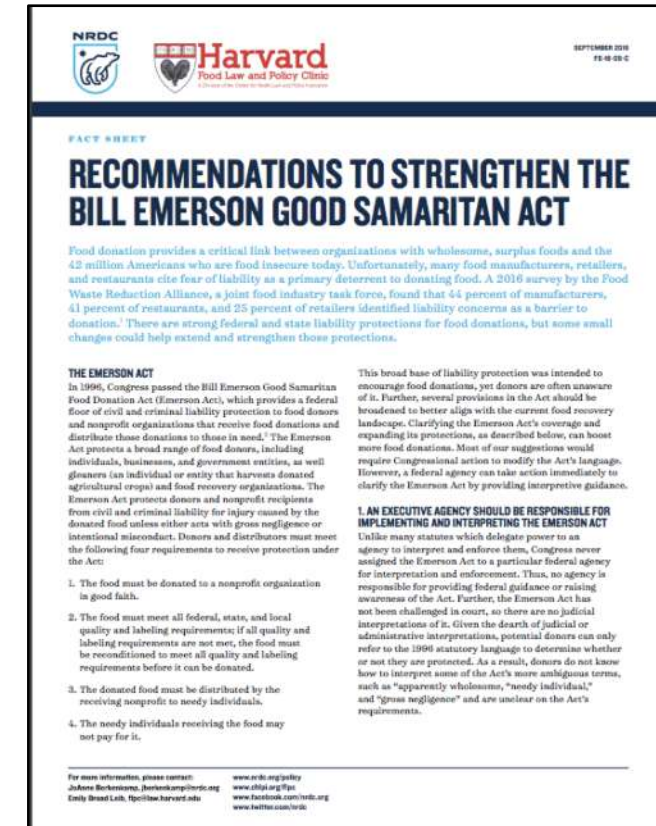
RECENTLY INTRODUCED LEGISLATION: TAX INCENTIVES

State:

- **IL – HB3301:** Tax credit of 15% for qualified donation of a crop to a food bank or other charitable organization in the state.
- **MA – HB3327:** Providing for a tax deduction for farming businesses that donate food crops, in the amount of the fair market value of the food (up to \$2000).
- **MD – HB0007/SB0182:** Establishing a tax credit against state income tax for the costs of harvesting deer and donating the meat to certain organizations. (Enacted)
- * **WV – SB25:** Tax credit of 10% of the value of the donated produce not to exceed \$2,500/year for donations from farm to a nonprofit organization (Enacted)

LIABILITY PROTECTIONS FOR FOOD DONATIONS

- Federal Bill Emerson Good Samaritan Act
 - Protects food donors, nonprofit organizations, gleaners from civil and criminal liability *unless* they act with gross negligence or intentional misconduct
- Requirements
 - Food must be donated to a **nonprofit in good faith**
 - Food must meet all fed/state/local **quality and labeling requirements** (or must be reconditioned to meet them)
 - Donated food must be distributed by the nonprofit to **needy individuals**
 - Need individuals receiving the food **must not pay for it.**





STATE LIABILITY PROTECTIONS (ALL 50 STATES)



RECENTLY INTRODUCED LEGISLATION: LIABILITY PROTECTIONS

Federal: Food Donation Act

State:

- **AK – HB186:** Expands liability protections for donors to any charitable organization. Expressly states protection applies to past-date foods. (Enacted)
- * **CA – AB1219:** Clarifies existing liability protections, expands protections to past-date foods, gleaners, and direct donations from food facilities. Instructs that enforcement officers shall promote this in their normal inspections. (Enacted)
- **RI – SB2808:** Provides liability protections to anyone donating wild game to a food bank.



ORGANIC WASTE BANS & RECYCLING LAWS



U.S. FOOD WASTE POLICY FINDER
[< Return Home](#)

STATE POLICY

FEDERAL POLICY

ABOUT

EXPLORE FOOD WASTE POLICY BY STATE

CHOOSE STATE



PREVENTION POLICY

RECOVERY POLICY

RECYCLING POLICY

Increased food scrap recycling can be incentivized by these state and local policies.

★ Best-practice Policies

Animal Feed

Reveal state policies that hinder food waste recycling

View Animal Feed categories

Organic Waste Bans & Waste Recycling Laws

Reveal states and municipalities that have enacted Organic Waste Bans & Waste Recycling Laws.

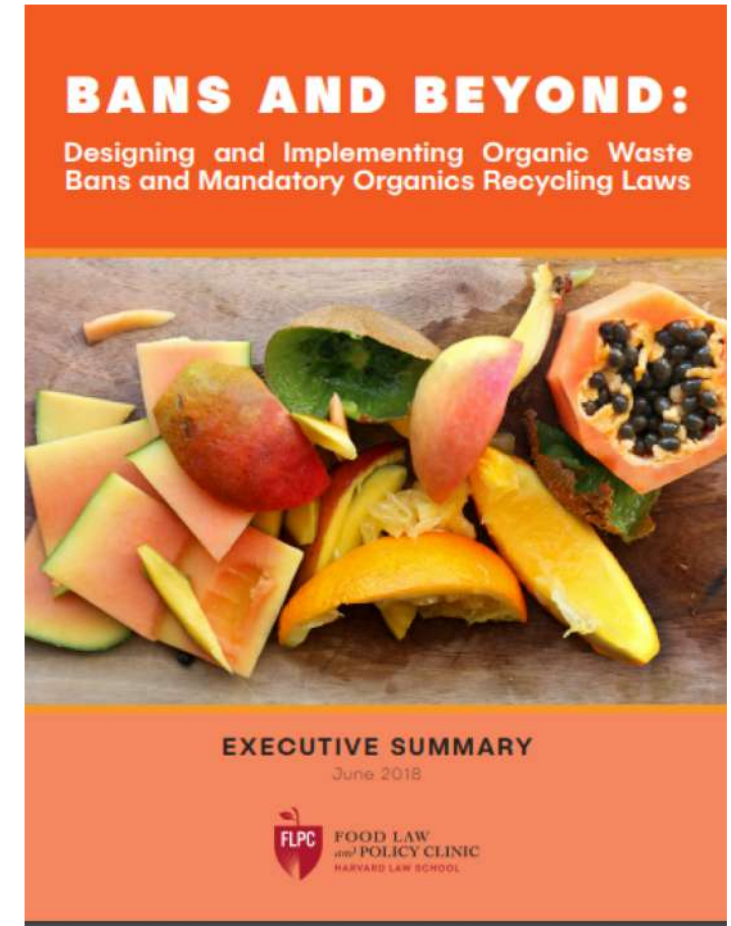
STATES AND MUNICIPALITIES THAT HAVE ORGANIC WASTE BANS & WASTE RECYCLING LAWS



SNEAK PEEK: BANS AND BEYOND TOOLKIT

Table of Contents

- I. Organic Waste Bans: The Legal Landscape
- II. Costs and Benefits of Organic Waste Bans
- III. Designing Organic Waste Bans and Recycling Laws
- IV. Barriers, Challenges, Solutions
- V. Beyond the Ban: Additional Law and Programs that Can Support Waste Bans and Incentivize Waste Reduction
- VI. Technical Assistance and Public Awareness



RECENTLY INTRODUCED LEGISLATION: ORGANIC WASTE BANS

Federal: Senate draft farm bill

State

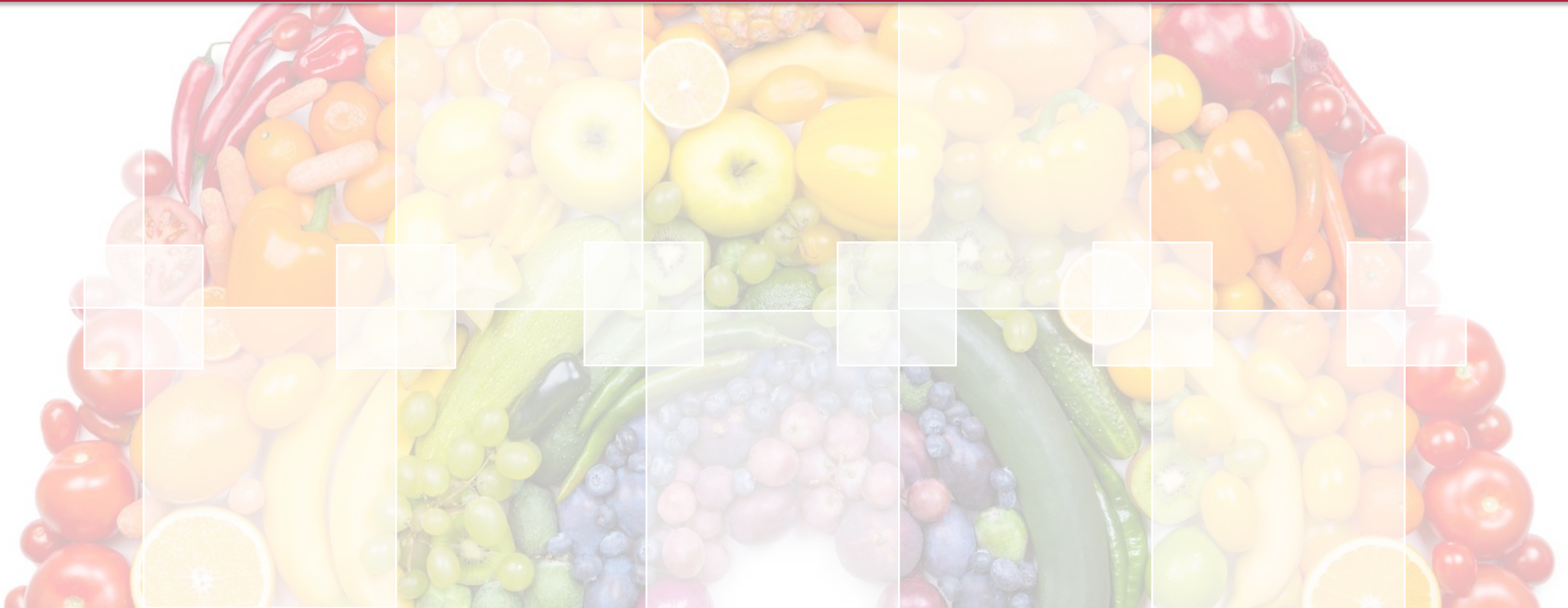
- *** NJ – A3726/S1206:** Requires food waste generators within 25 miles of a food waste recycling facility and generating at least 104 tons/year to source separate and send their food waste to a food waste recycling facility.
- **NY - A6750/S7254:** Requires mandatory donation of consumable food products; mandatory composting of appropriate materials; establishes the New York state excess food fund funded by fines collected from violations.
- **WV – HB2662:** Prohibiting wasting hunted game when such game could be used for food.



**FOOD LAW
and POLICY CLINIC**
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   @HarvardFLPC



The Center for EcoTechnology helps
people and businesses save energy and
reduce waste.



U.S FOOD WASTE

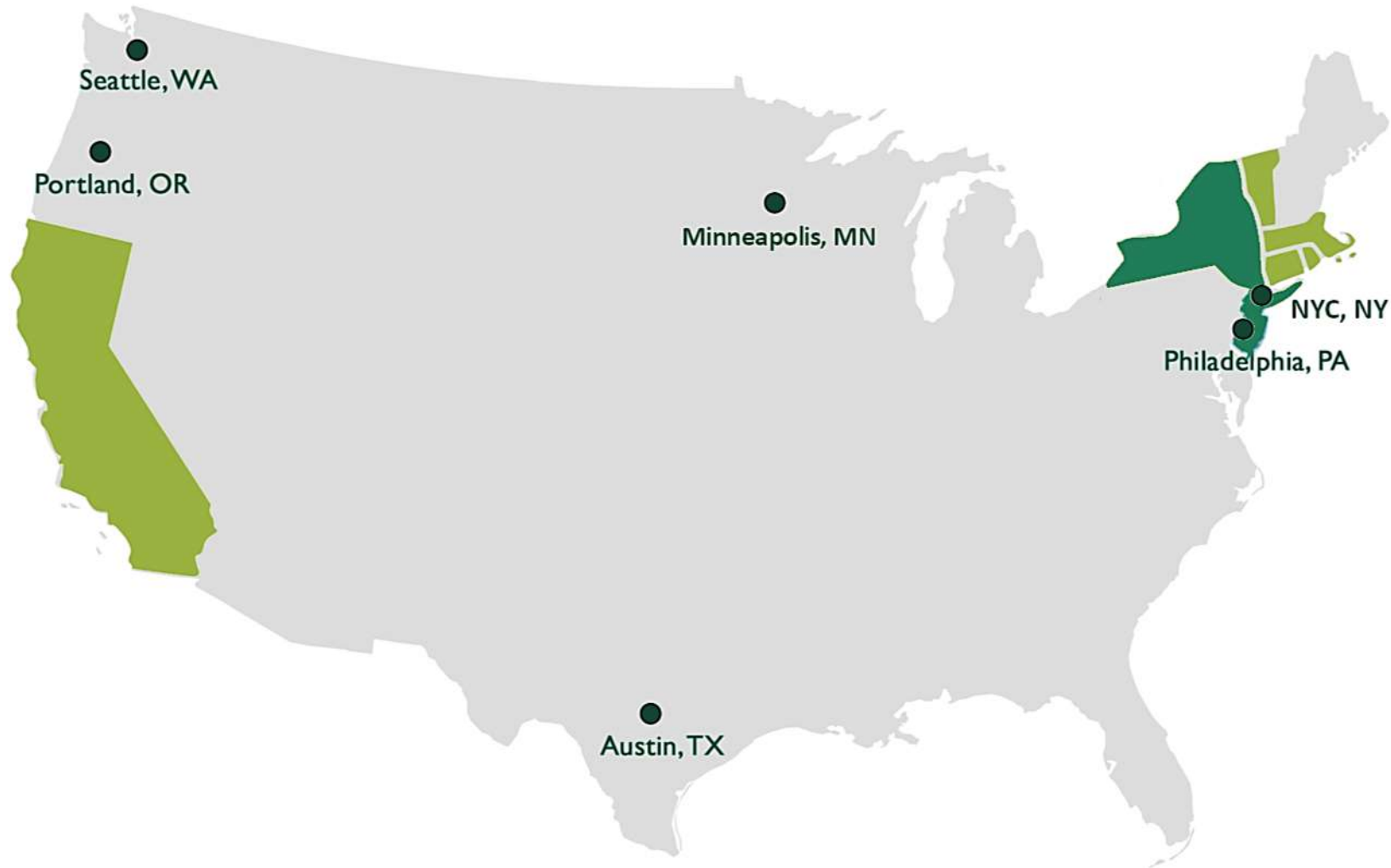
Did you know?

- 30-40% is wasted
- Valued at \$165 billion annually
- Rotting food in landfills releases greenhouse gases

Source: NRDC

CLIMATE  CENTRAL

DISPOSAL BANS & ZERO WASTE PLANS



TONNAGE THRESHOLDS



Massachusetts

1 ton/week



Vermont

2 tons/week



Connecticut

2 tons/week



Rhode Island

2 tons/week



THRESHOLDS

Supermarkets and Grocery Stores

[Click here](#) for a printable, fill-in version of this Commercial Food Waste Disposal Ban threshold estimation guide for supermarkets and grocery stores.

	Average Measurement		Material
Full Time Employees	3,000	lbs/employee/yr	Food waste
Disposed Waste	63	% of disposed waste by weight	Food waste

If you have **35 full-time employees**, then:

$3,000 \text{ lbs/employee/year} * 35 \text{ full-time employees} = 105,000 \text{ lbs food waste generated/year}$

$105,000 \text{ lbs/year} \div 52 \text{ weeks/year} = 2,019 \text{ lbs/week} = 1 \text{ ton of food waste per week}$

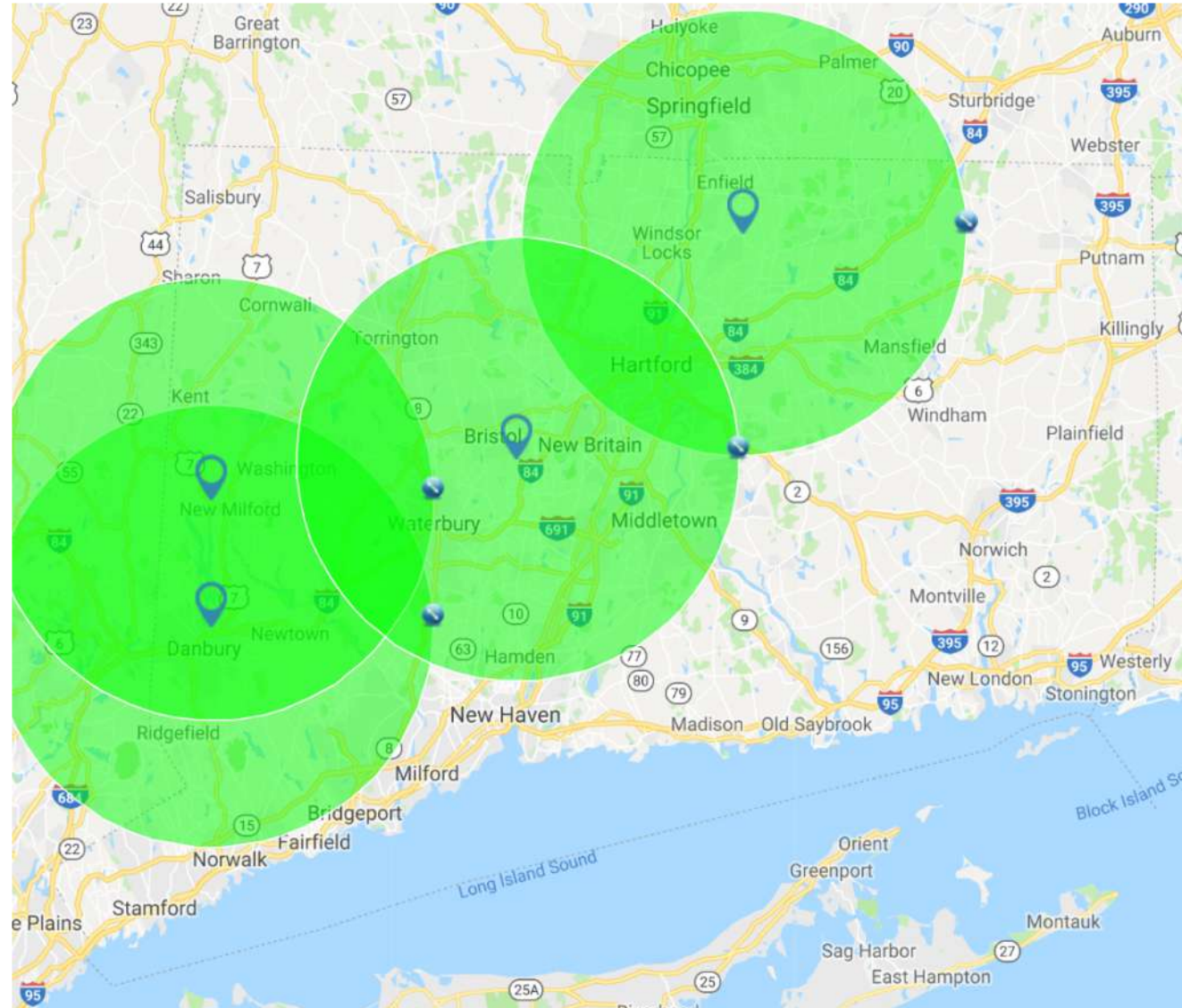
If you fill **1 trash dumpster at 4 cubic yards 2 times per week**, then:

$450 \text{ lbs} * (1 \text{ trash dumpster} * 4 \text{ yd}^3 * 2 \text{ pickups/week}) = 3,600 \text{ lbs of total disposed waste/week}$

$3,600 \text{ lbs} * 63\% \text{ of total waste} = 2,268 \text{ lbs/week} = 1.1 \text{ tons of food waste in one week}$

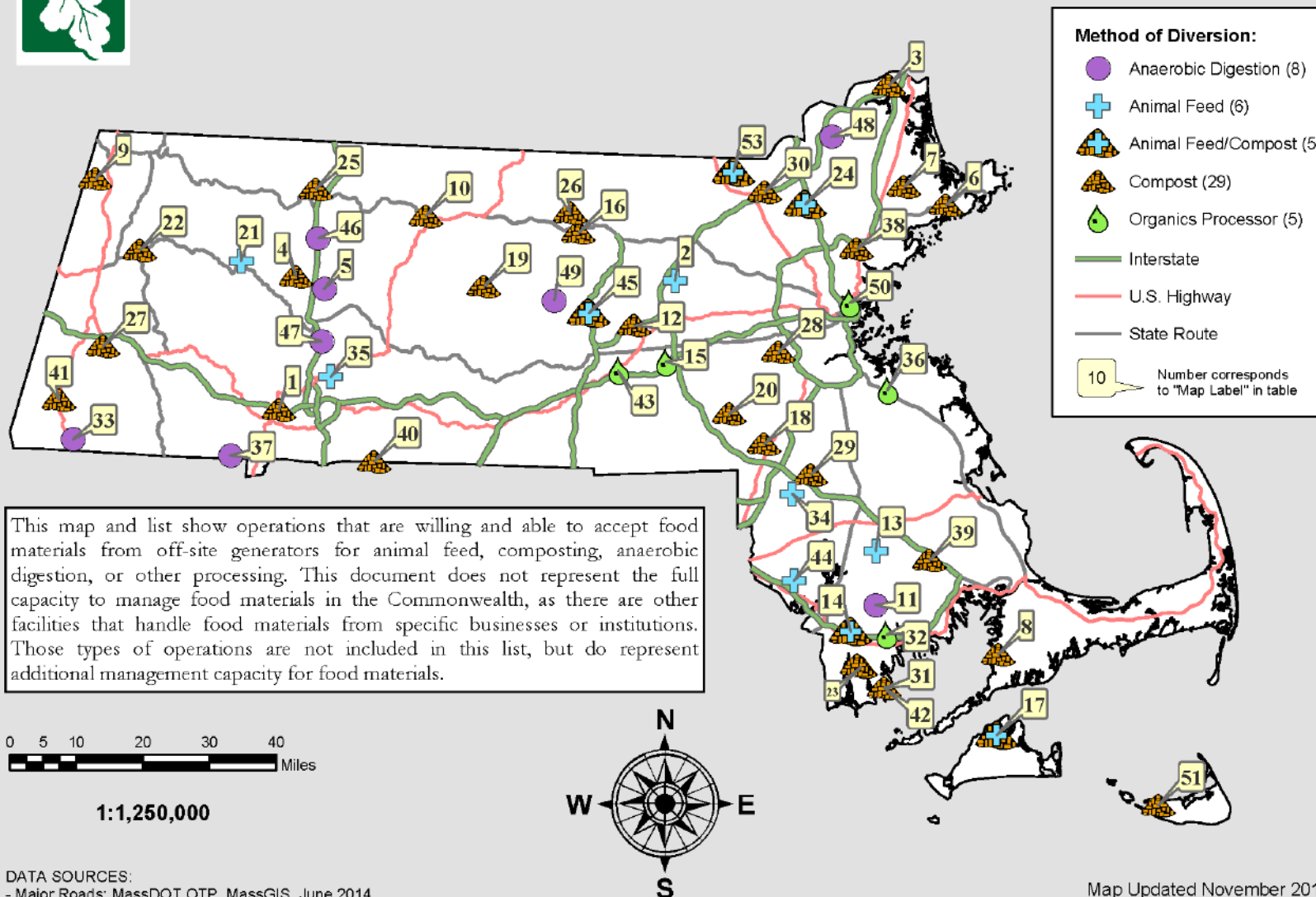


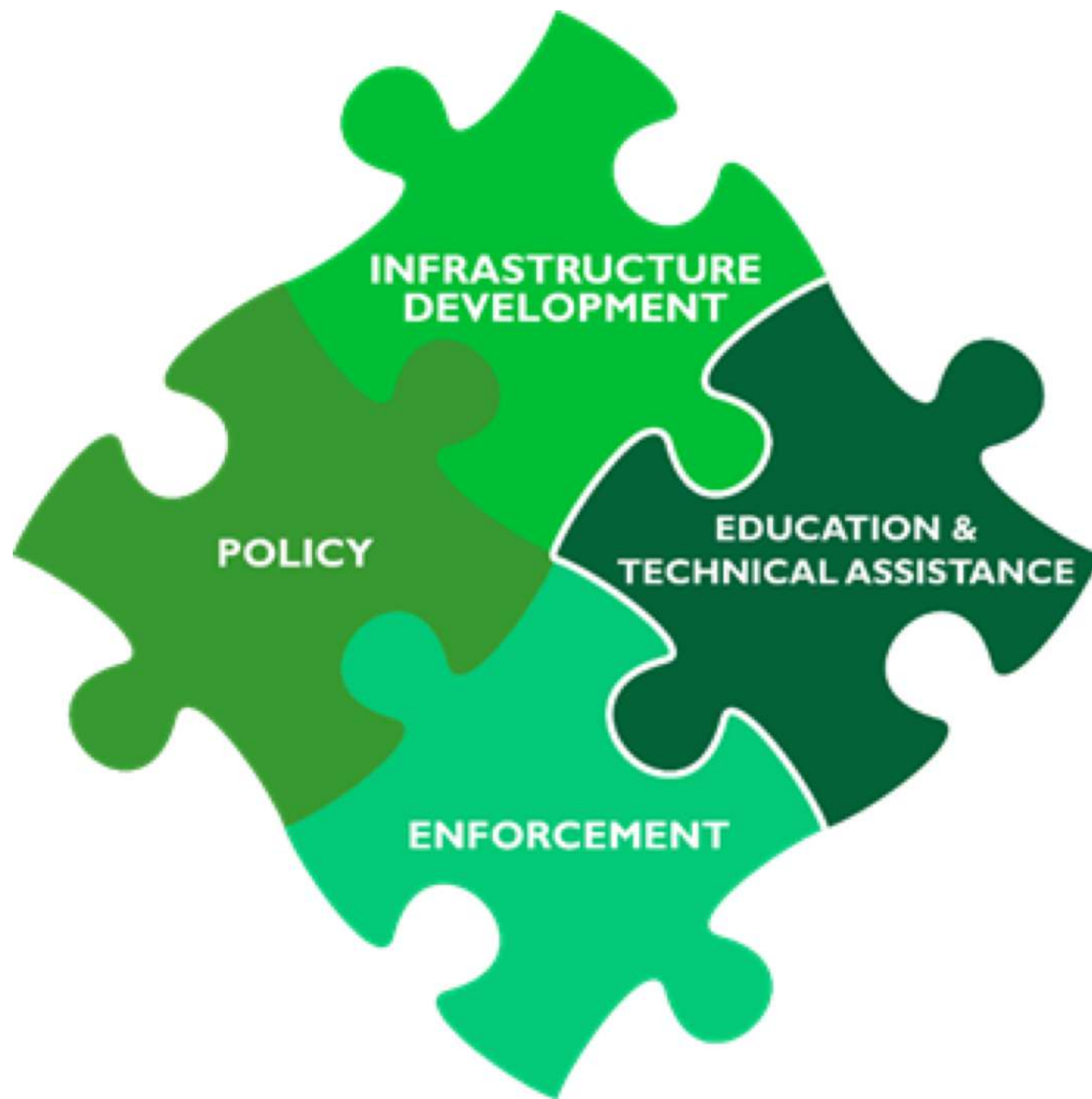
DISTANCE THRESHOLDS





Sites Accepting Diverted Food Material



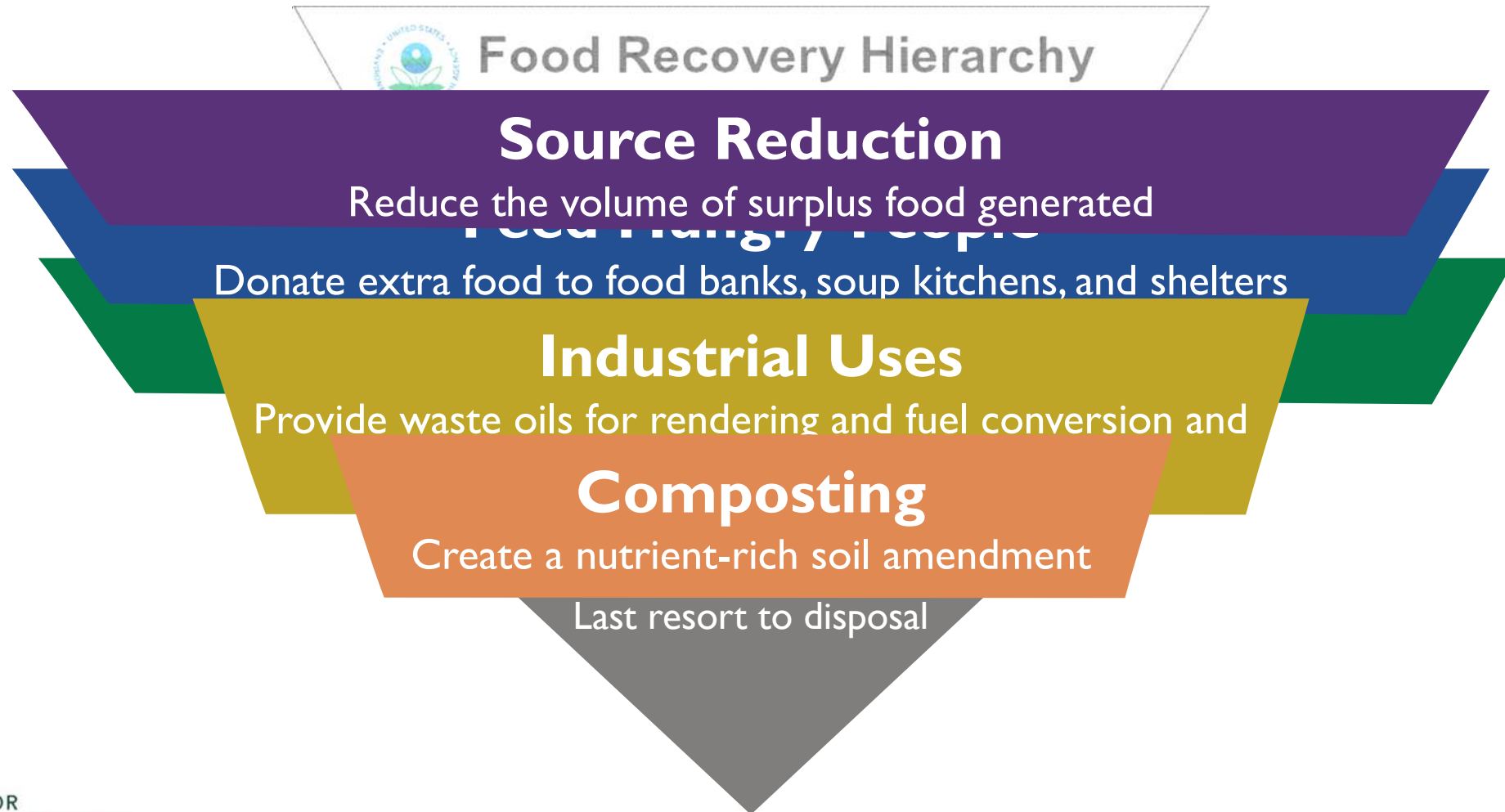


FREE ASSISTANCE FOR BUSINESSES & INSTITUTIONS



RecyclingWorks MA is funded by MassDEP, delivered under
contract by the Center for EcoTechnology
recyclingworksma.com

OUR APPROACH TO ADDRESSING WASTED FOOD




FOOD WASTE GUIDANCE

FOOD DONATION GUIDANCE

The RecyclingWorks in Massachusetts program has worked with state and local health officials, food rescue organizations, food banks, and organizations with established food donation programs to develop this Food Donation guidance document by holding three stakeholder meetings across the state in Springfield (March 25, 2015), Worcester (April 9, 2015) and Boston (April 29, 2015). The information gained from the meetings was used to create this guidance document.

The US EPA's Food Recovery Hierarchy ranks feeding hungry people near the top of its priorities as a strategy to reduce wasted food. Businesses should consider how each strategy on the EPA Hierarchy can contribute to a comprehensive food waste reduction plan.

This document is intended to provide guidance to organizations interested in establishing Food Donation programs by offering a broad overview of how successful food donation programs should be structured. In order to have a successful food donation



The EPA Food Recovery Hierarchy is an inverted triangle with five levels, from top to bottom: 1. Source Reduction (Reduce the volume of waste generated), 2. Feed Hungry People (Donate extra food to food banks, soup kitchens, and shelters), 3. Feed Animals (Feed food scraps to animals), 4. Industrial Uses (Feed waste to the industry as an ingredient in other products), and 5. Landfills/Incineration (Last resort for waste disposal).

Find A Recycler

What as: Location: All ca...

or try with a Keyword

UPDATE

Upcoming Events

June 07, 2016
Needham Food Waste Diversion Workshop
Sponsored by Green Needham, Newton-Needham Regional Chamber, Needham Department of Public Works...

SOURCE REDUCTION OF FOOD WASTE GUIDANCE

RecyclingWorks in Massachusetts developed best management practices for source reduction of food waste at institutional foodservice operations. In the spring of 2017, MassDEP surveyed 24 Massachusetts colleges and universities on their source reduction programs and conducted follow-up interviews with 23 schools. Later in 2017, RecyclingWorks expanded the interviews to include stakeholders from hospitals, corporate cafeterias, and other foodservice operations, as well as providers of waste-tracking services. Stakeholders were interviewed on their strategies for reducing wasted food. RecyclingWorks convened two stakeholder discussions on this topic at the 2017 WasteWise Fall Forum (November 1, 2017) and The MassDEP Organics Subcommittee Meeting (December 7, 2017). The information gained from interviews and stakeholder meetings was used to create this guidance document.

The US EPA's **Food Recovery Hierarchy** ranks source reduction at the top of its priorities as a strategy to reduce wasted food. Businesses should consider how each strategy on the EPA



The EPA Food Recovery Hierarchy is an inverted triangle with five levels, from top to bottom: 1. Source Reduction (Reduce the volume of waste generated), 2. Feed Hungry People (Donate extra food to food banks, soup kitchens, and shelters), 3. Feed Animals (Feed food scraps to animals), 4. Industrial Uses (Feed waste to the industry as an ingredient in other products), and 5. Landfills/Incineration (Last resort for waste disposal).

Find A Recycler

Choose A Material

Any Material

Location

Enter location

50 mi

Pick Up/Drop Off

Pick Up/Drop Off

Keyword

OR, try a keyword or biz name

Search



- 16,000 tons of waste diverted annually
- 4.9 million meals donated
- \$3 million in savings





- Partnered with RW and CERO to compost food waste at 4 stores
- 234 tons composted annually



MANUFACTURING CASE STUDIES

Seafood Wholesaler in CT

78 tons diverted to animal feed

Baked Goods Manufacturer in MA

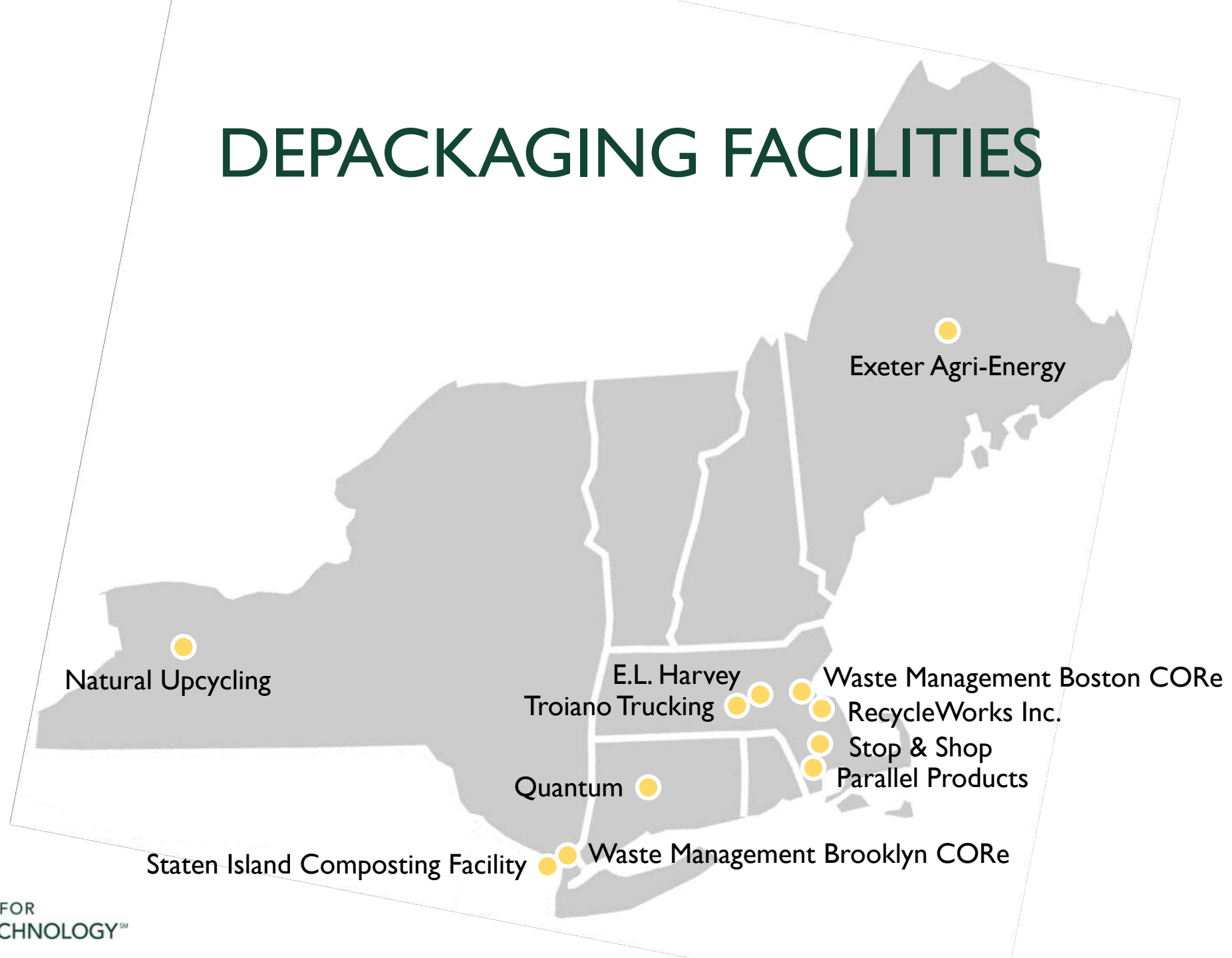
26 tons diverted to animal feed

Prepared Foods Manufacturer in MA

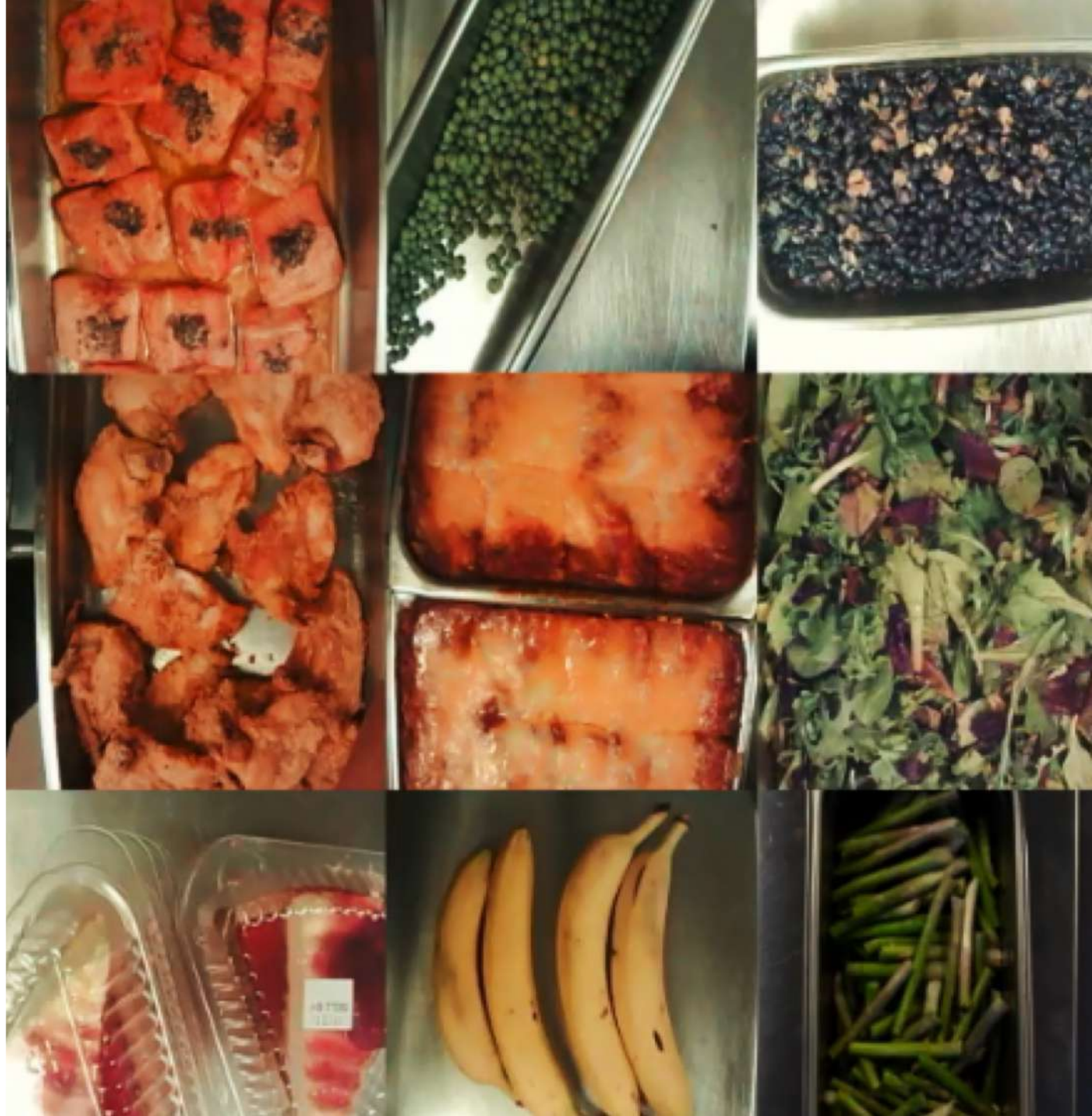
5,200 tons composted



DEPACKAGING FACILITIES



TECHNOLOGY SOLUTIONS





- Uses Spoiler Alert to inventory surplus food and connect with donation outlets
- 300,000 meals donated in 2017



IMPLAN Results



SUMMARY RESULTS BY SEGMENT, 2016

Impact Type	Haulers	Processors	Rescue Organizations	Total Impact
Employment	500	290	130	910
Labor Income (\$ millions)	\$25.6	\$15.8	\$ 5.4	\$46.8
Value Added (\$ millions)	\$42.9	\$25.8	\$8.1	\$76.8
Industry Activity (\$ millions)	\$101.5	\$58.0	\$15.1	\$174.6
State & Local Taxes (\$ millions)	\$3.1	\$1.8	\$0.5	\$5.4

Combined, the three industry segments supported over **900 total jobs**, representing a **150% increase** over the estimated 360 total jobs supported in 2010.

Source: IMPLAN Analysis, compiled by ICF. Note: Numbers may not sum due to rounding.

2018 CET IMPACT

Almost 10,000 tons of food waste diverted

5 million meals donated

6,900+ tons of carbon avoided



WASTED FOOD SOLUTIONS AND TOOLBOX



Source Reduction of Food Waste Best Management Practices

The Center for EcoTechnology (CET) developed this original document under contract to MassDEP as part of MassDEP's RecyclingWorks in Massachusetts program. This best management practice is for the source reduction of food waste at institutional foodservice operations. CET and MassDEP interviewed universities and colleges, hospitals, corporate cafeterias, and other foodservice operations, as well as providers of waste-tracking services. Stakeholders were interviewed on their strategies for reducing wasted food. In addition, two stakeholder meetings were held for additional feedback. The information gained from interviews and stakeholder meetings was used to create this guidance document.



QUESTIONS?

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<https://www.cetonline.org/>

<https://wastedfood.cetonline.org/>

MUNICIPALITIES:

NEW LEADERSHIP ON FOOD WASTE ACTION



NATURAL RESOURCES DEFENSE COUNCIL



WHAT MOTIVATES CITIES?

WASTE MANAGEMENT CONCERNS

FOOD INSECURITY

CLIMATE GOALS



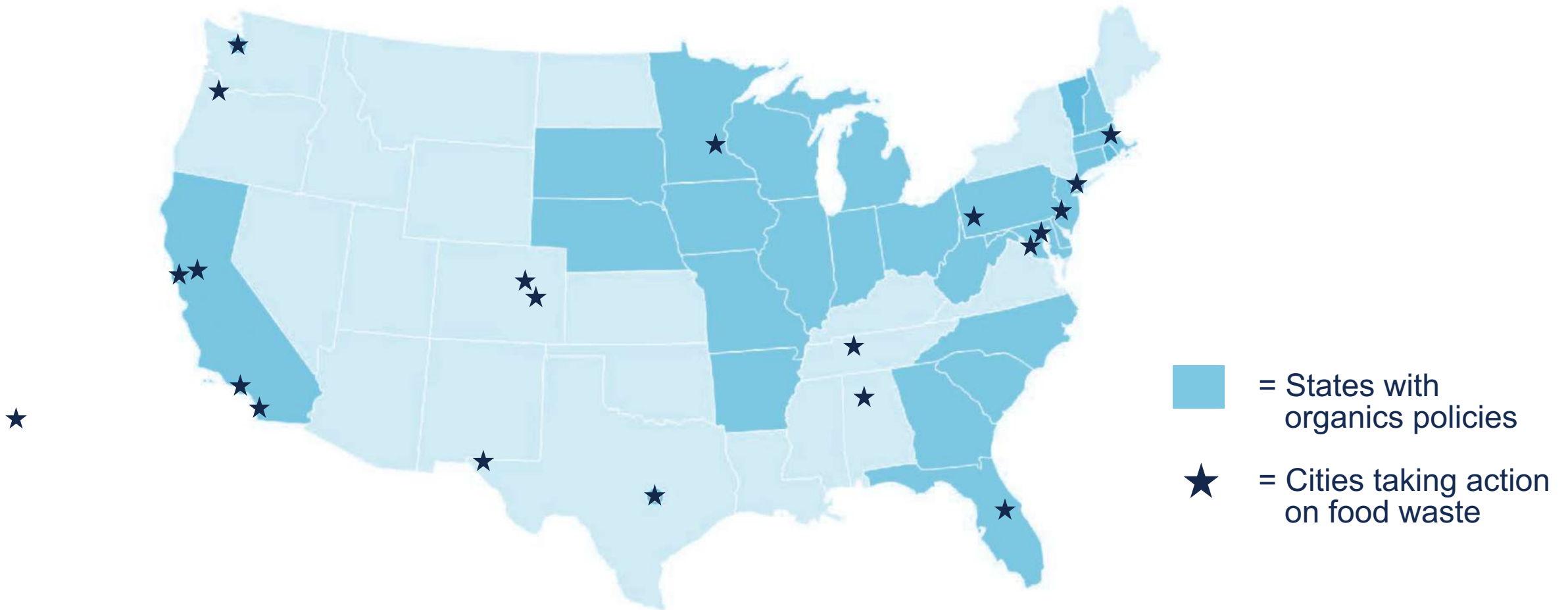
WHAT CAN STAND IN THE WAY?



- ACCESS TO BASIC DATA
- LACK OF CAPACITY
- KNOWING WHERE TO START

AND 80%+ = CONSUMERS AND BIZ

CITIES ARE TAKING ACTION



NRDC's **FOOD MATTERS** Project

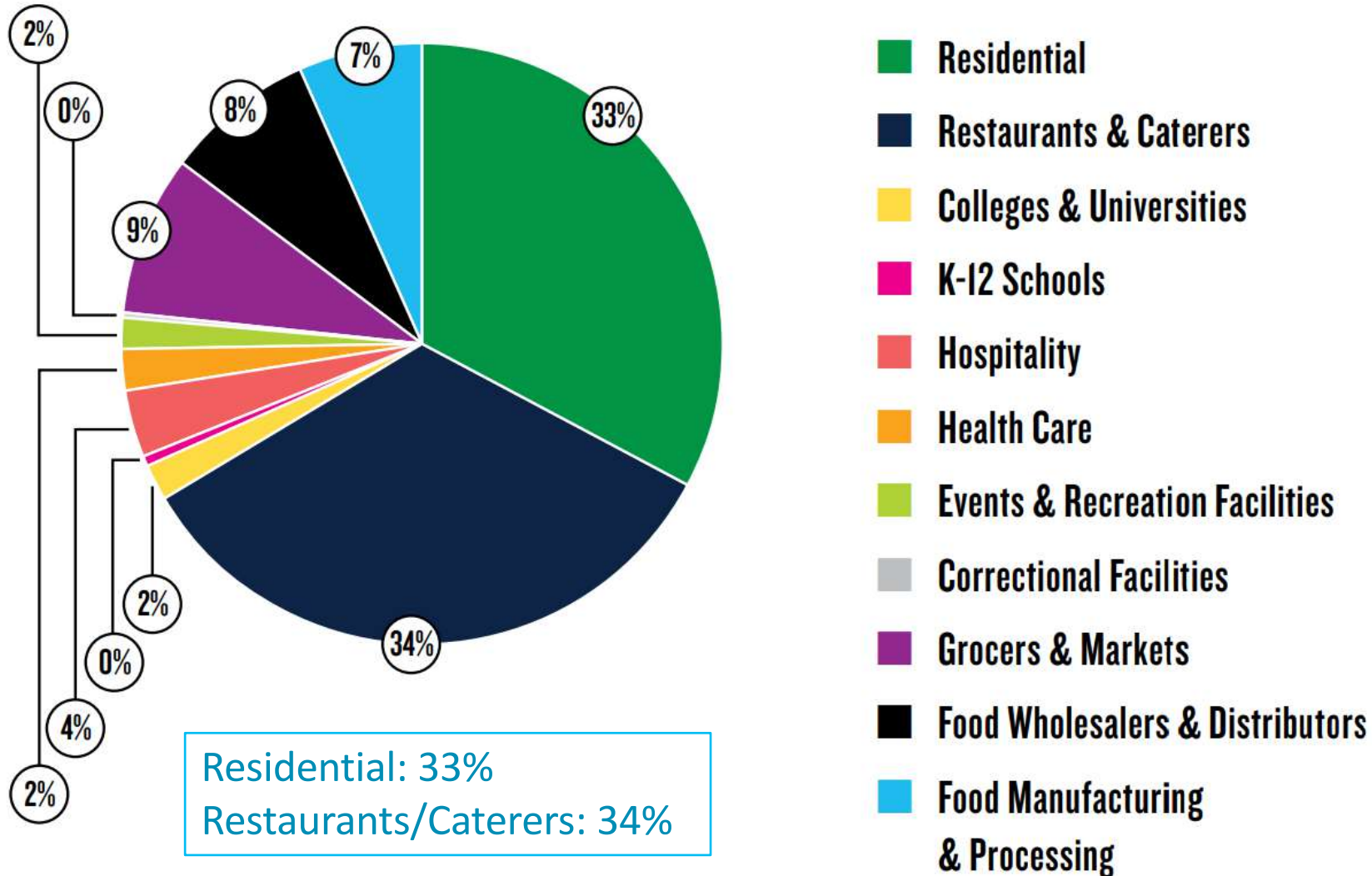
Goal: Position the cities we work with to achieve a **15 percent reduction in food waste** levels within five years, while laying a foundation for other cities to replicate successful strategies.

Deep dives in Denver and Baltimore

Plus New York City, Nashville, Pittsburgh, Los Angeles, Honolulu, etc.

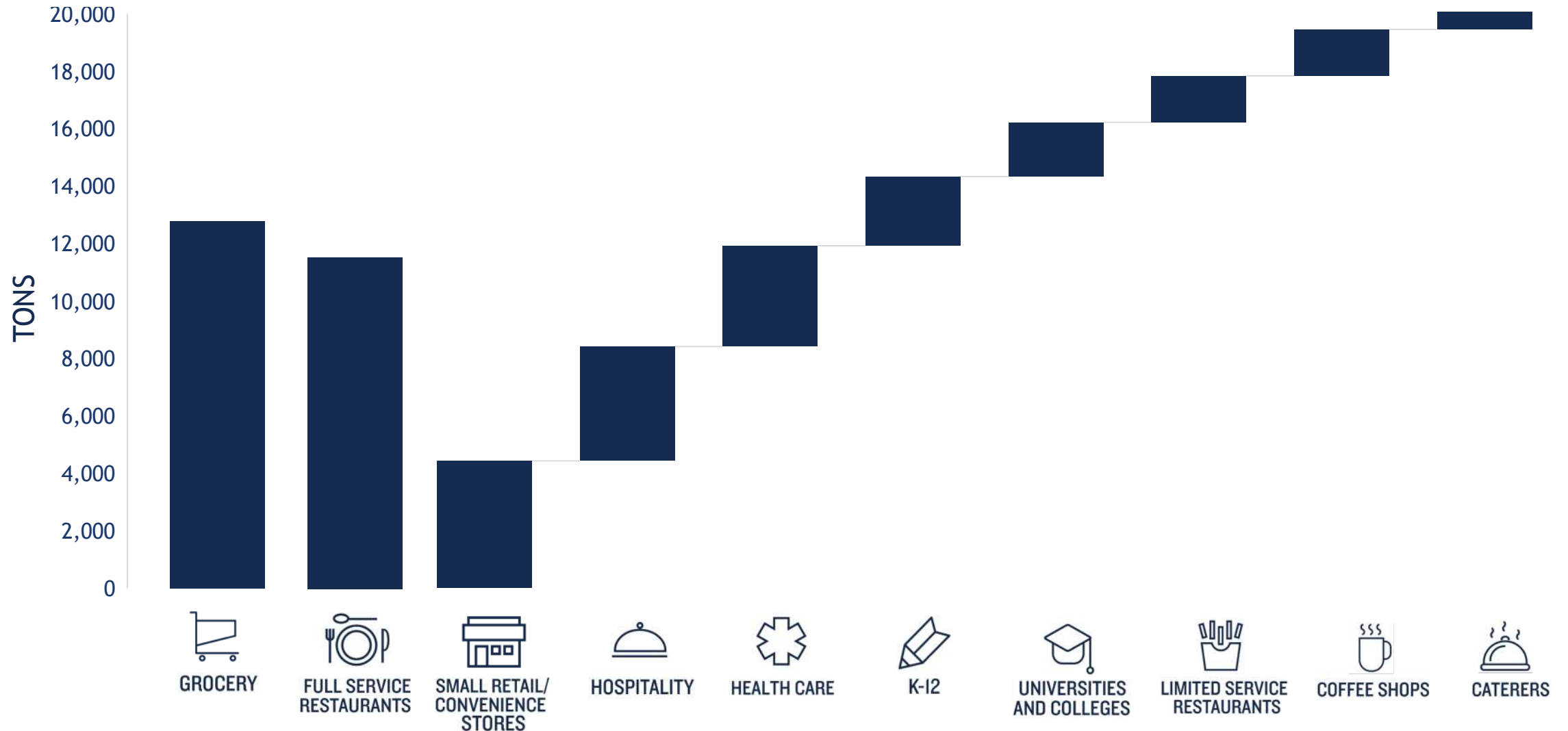


DETERMINE HOW MUCH FOOD IS WASTED AND WHERE (Nashville)



UNTAPPED POTENTIAL FOR ADDITIONAL FOOD RESCUE (TON PER YEAR)

BY SECTOR FOR THE THREE CITIES (COMBINED)



WHAT IS THE POTENTIAL IMPACT OF OPTIMIZING FOOD DONATION?



46%
IN DENVER



48%
IN NASHVILLE



23%
IN NEW YORK

ANNUAL FOOD NEEDS

NRDC'S APPROACH TO TACKLING FOOD WASTE IN CITIES



RETHINK

- Measure & Set Targets
- Modify FW Collection Policies
- Lead by Example



REDUCE

- Educate Consumers
- Support Business Engagement



RESCUE

- Address Policy Barriers
- Encourage Food Donation
- Build Infrastructure & Capacity



RECYCLE

- Expand Organics Infrastructure

WHY BUSINESSES NEED CITIES TO SUCCEED

- Increase availability of **composting infrastructure**
 - Encourage rather than discourage **food donation**
 - More **consistent health regulations** on food donation across jurisdictions
 - **Prevention** can be harder for biz and city govt, but key to cost savings, GHG reductions, reduced demand for landfill and right-sized recycling infrastructure
-
- Cities need to hear your concerns and objectives for food donation and recycling.
 - City support and celebration of success with food waste prevention.

SAVE THE FOOD.COM



A shopping cart filled with various groceries, including boxes of soy sauce, instant noodle cups, and other packaged food items.

SELF-IMPROVEMENT

An empty refrigerator with its shelves and drawers visible, appearing clean and devoid of food.

COMFORT

A refrigerator packed with a variety of food items, including bags of frozen vegetables, boxes of cereal, and other household staples.

SECURITY

A family of four (father, mother, and two children) smiling and sitting around a dining table. The table is set with a large roasted turkey, bread, vegetables, and drinks, representing a shared meal.

THOUGHTFULNESS

**GRAPPLING
WITH
CONSUMERS'
GOOD
INTENTIONS**

**DEMONSTRATE
YOUR
LEADERSHIP**

WE WASTE

40% OF THE FOOD
PRODUCED IN AMERICA.

SAVETHEFOOD.COM

LET'S SAVE THE FOOD

The good news: there's something we can do. The better news: it's easy. And we've already got everything we need—it's right in the refrigerator. Let's do this.



TV and Online Video



Print and Outdoor



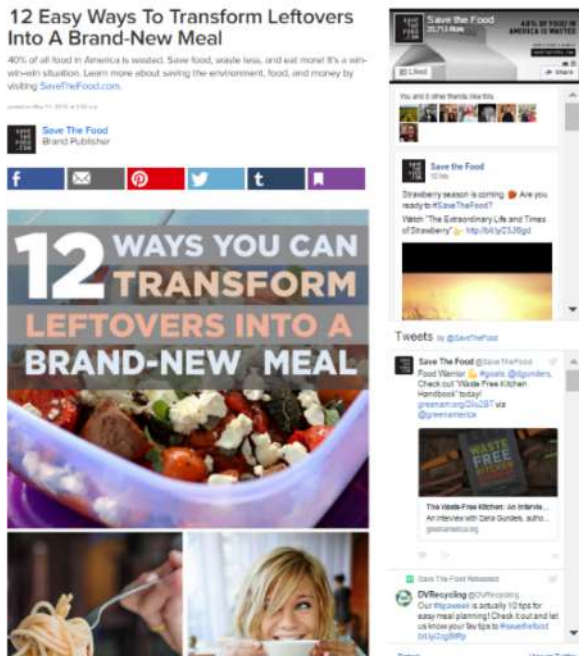
Radio



Web and Mobile Banners



BuzzFeed Partnership



Transit signage



Pinterest Partnership



Vice Partnership



Retail and Foodservice Applications



Save The Food to date...

- \$75 million in donated media
- 1.8 billion media impressions
- 50% awareness among Millennials
- 37% awareness among Moms
- Those aware more likely to discuss with friends, seek/share info, use tech to help, and report wasting less food

Join Us!

**OH, THE
POSSIBILITIES!**



SAVETHEFOOD.COM

Discussion



Emily Broad Leib

Director,
Harvard Food Law and Policy Clinic



Lorenzo Macaluso

Director of Client Services,
Center for EcoTechnology



JoAnne Berkenkamp

*Senior Advocate, Food & Agriculture
Program,*
Natural Resources Defense Council



Moderator: **Lisa Spicka**
Associate Director
Sustainable Food Trade
Association (SFTA)



Commit. Act. Impact.



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