
3. December. 2018
COMMIT. ACT. IMPACT.
Climate Collaborative Commitment Areas

**Agriculture**
Integrate carbon farming into the agricultural supply chains

**Energy Efficiency**
Increase energy efficiency

**Food-Waste**
Reduce food-waste in the supply chain

**Forests**
Remove commodity-driven deforestation from supply chains

**Policy**
Responsible engagement in climate policy

**Packaging**
Reduce the climate impact of packaging

**Renewable Energy**
Commit to 100% renewable power

**Climate Pollutants**
Reduce short-lived climate pollutant emissions

**Transportation**
Reduce climate impacts of transportation
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...
How many companies have committed?

321
Companies
Committing to Action

1208
Commitments
THANK YOU TO OUR DONORS!

Alter Eco
Annie's
Associated Brands
Califia Farms
California Olive Ranch
Cheer Pack
Clif Bar & Company
Connective Impact
Danone North America
Decker and Jessica Rolph
Dr. Bronner's
Elk Packaging
Foodstirs
Gaia Herbs
General Mills
Good Earth Natural Foods
GrandyOats
GreenSeed Contract Packaging
Guayaki
Happy Family
INFRA
KeHE
Kuli Kuli Foods
Lotus Foods
Lundberg Family Farms
MegaFood
Melt Organic
MOM's Organic Market
Mountain Rose Herbs
National Co+op Grocers
Natural Habitats
Nature’s Path
New Hope Network
Numi
Nutiva
Oregon's Wild Harvest
Organic India
Organic Valley
Outpost Natural Foods
Patagonia
Plum Organics
Pluot Consulting
Presence Marketing
Rebbl
Stahlbush Island Farms
Stonyfield
Straus Family Creamery
Studio Fab
Tacoma Park Silver
Spring Co-op
Traditional Medicinals
Trayak
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)
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
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
**TOP TRENDS IN INTRODUCED/ENACTED STATE LEGISLATION**

- Failed
- In Progress
- Enacted

### Topics

- **DATE LABELING**
  - Failed: 4
  - In Progress: 3
  - Enacted: 2

- **TAX INCENTIVES**
  - Failed: 15
  - In Progress: 11
  - Enacted: 3

- **LIABILITY PROTECTION**
  - Failed: 2
  - In Progress: 6
  - Enacted: 0

- **ORGANIC WASTE BANS**
  - Failed: 5
  - In Progress: 5
  - Enacted: 1

- **WASTE REDUCTION**
  - Failed: 2
  - In Progress: 4
  - Enacted: 7

- **WASTE RECYCLING**
  - Failed: 6
  - In Progress: 3
  - Enacted: 3

- **SCHOOL FOOD**
  - Failed: 2
  - In Progress: 3
  - Enacted: 0

- **OTHER**
  - Failed: 0
  - In Progress: 0
  - Enacted: 2
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)

<table>
<thead>
<tr>
<th>Food Recovery Act – Introduced</th>
<th>New potential language (in discussion)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 1) Standard labels</td>
<td>• Same as previously proposed legislation with these changes:</td>
</tr>
<tr>
<td>• “BEST IF USED by” for quality</td>
<td>• “Safety date” → “discard date”</td>
</tr>
<tr>
<td>• Quality date <em>optional</em>; if used must have the right language</td>
<td>• Discard date = <em>optional</em>, if used must have the right language</td>
</tr>
<tr>
<td>• “USE by” for safety</td>
<td>• <em>eliminates</em> FDA/USDA list of which foods should bear a discard label</td>
</tr>
<tr>
<td>• <em>required</em> on high risk, ready-to-eat foods</td>
<td></td>
</tr>
<tr>
<td>• FDA/USDA create list of foods</td>
<td></td>
</tr>
<tr>
<td>• 2) Bans states from prohibiting sale or donation of foods past quality date</td>
<td></td>
</tr>
<tr>
<td>• 3) Requires FDA/USDA consumer educ.</td>
<td></td>
</tr>
</tbody>
</table>
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
  o Basis Value of donated property
• Requirements
  o Used for charitable purpose
  o Recipient must be 501(c)(3) non-profit

Enhanced Deduction:
• Value
  o Almost double General Deduction
• Requirements
  o Recipient must be 501(c)(3) non-profit
  o Used for care of ill, needy, or infants
  o Distributed free of charge
  o Written statement to donor
  o 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
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.
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

Photo from Climate Central
DISPOSAL BANS & ZERO WASTE PLANS

Seattle, WA
Portland, OR
Minneapolis, MN
Austin, TX
NYC, NY
Philadelphia, PA
TONNAGE THRESHOLDS

- Massachusetts: 1 ton/week
- Vermont: 2 tons/week
- Connecticut: 2 tons/week
- Rhode Island: 2 tons/week
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.

<table>
<thead>
<tr>
<th>Average Measurement</th>
<th>Material</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Time Employees</td>
<td>3,000 lbs/employee/yr</td>
</tr>
<tr>
<td>Disposed Waste</td>
<td>63 % of disposed waste by weight</td>
</tr>
</tbody>
</table>

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

3,000 lbs/employee/year * 35 full-time employees = 105,000 lbs food waste generated/year

105,000 lbs/year + 52 weeks/year = 2,019 lbs/week = 1 ton of food waste per week

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

450 lbs * (1 trash dumpster * 4 yd³ * 2 pickups/week) = 3,600 lbs of total disposed waste/week

3,600 lbs * 63% of total waste = 2,268 lbs/week = 1.1 tons of food waste in one week
Sites Accepting Diverted Food Material

This map and list show operations that are willing and able to accept food materials from off-site generators for animal feed, composting, anaerobic digestion, or other processing. This document does not represent the full capacity to manage food materials in the Commonwealth, as there are other facilities that handle food materials from specific businesses or institutions. Those types of operations are not included in this list, but do represent additional management capacity for food materials.

DATA SOURCES:
- Major Roads: MassDOT CTP, MassGIS, June 2014
- Food Material Diverters: MassDEP BAW, November 2015

Map Updated November 2018
MassDEP, BAW, J Cook
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

Source Reduction
Reduce the volume of surplus food generated

Industrial Uses
Provide waste oils for rendering and fuel conversion and

Composting
Create a nutrient-rich soil amendment

Food Hungry People
Donate extra food to food banks, soup kitchens, and shelters

Food Recovery Hierarchy

Last resort to disposal
FOOD WASTE 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, 2019), Lawrence (April 16, 2019) and Boston (April 24, 2019). The information gathered 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 priority 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 program, it is important to know:

- How to identify eligible food donations
- How to contact potential donors
- How to deal with food hygiene and safety
- How to transport food to recipients
- How to evaluate the effectiveness of the program

The US EPA’s Food Recovery Hierarchy ranks source reduction at the top of its priority as a strategy for reducing food waste. Businesses who act to reduce their waste are rewarded with lower costs and increased productivity.

https://recyclingworksma.com
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
• Uses Spoiler Alert to inventory surplus food and connect with donation outlets
• 300,000 meals donated in 2017
### ECONOMIC IMPACT RESULTS

#### IMPLAN Results

#### SUMMARY RESULTS BY SEGMENT, 2016

<table>
<thead>
<tr>
<th>Impact Type</th>
<th>Haulers</th>
<th>Processors</th>
<th>Rescue Organizations</th>
<th>Total Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment</td>
<td>500</td>
<td>290</td>
<td>130</td>
<td>910</td>
</tr>
<tr>
<td>Labor Income ($ millions)</td>
<td>$25.6</td>
<td>$15.8</td>
<td>$5.4</td>
<td>$46.8</td>
</tr>
<tr>
<td>Value Added ($ millions)</td>
<td>$42.9</td>
<td>$25.8</td>
<td>$8.1</td>
<td>$76.8</td>
</tr>
<tr>
<td>Industry Activity ($ millions)</td>
<td>$101.5</td>
<td>$58.0</td>
<td>$15.1</td>
<td>$174.6</td>
</tr>
<tr>
<td>State &amp; Local Taxes ($ millions)</td>
<td>$3.1</td>
<td>$1.8</td>
<td>$0.5</td>
<td>$5.4</td>
</tr>
</tbody>
</table>

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.

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

- States with organics policies
- Cities taking action on food waste
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)

- Residential: 33%
- Restaurants/Caterers: 34%
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

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

2. REDUCE
   - Educate Consumers
   - Support Business Engagement

3. RESCUE
   - Address Policy Barriers
   - Encourage Food Donation
   - Build Infrastructure & Capacity

4. 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.
GRAPPLING WITH CONSUMERS’ GOOD INTENTIONS DEMONSTRATE YOUR LEADERSHIP

SECURITY

THOUGHTFULNESS

SELF-IMPROVEMENT

COMFORT
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

Print and Outdoor

- Every American wastes 290 pounds of food a year.
- Save the Food

Web and Mobile Banners

- Good
- Still Good

Radio

TV and Online Video

- TV Ad: The Extraordinary Life and Times of Strawberry (Save The Food) Ad

Pinterest Partnership

- Don't Waste It, Cook It!
- Black Bananas Don't Belong in the Trash
- Don't Get Rid of Wrinkled Peaches
- Bruised Apples = Dessert
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,
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