



FOOD LAW
and POLICY CLINIC
HARVARD LAW SCHOOL

Food Waste Policy: Using Systems Change to Stop Squandering One of our Greatest Resources

Ariel Ardura
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Ariel Ardura: FLPC Clinical Fellow





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



Our Work

CONNECTICUT
DEPARTMENT OF
ENERGY & ENVIRONMENTAL PROTECTION

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ENERGY ENVIRONMENTAL QUALITY NATURAL RESOURCES OUTDOOR RECREATION

Reduce/Reuse/Recycle

- Recycling...It's the Law!
- Recycling Means Jobs
- Recycling At Home
- Business Recycling Assistance
- Recycling at Schools and Institutions
- Special Event and Venue Recycling
- Municipal Recycling Resources Center
- State Agency Recycling Resources
- Reduce/Reuse/Recycle Main Page
- Main Menu

Report an Environmental Concern/Problem

Calendar of Events

Food Waste Reduction and Recovery

Why Does It Matter?

EPA Food Recovery Hierarchy

Food Banks and Rescue Programs

Food Donation: Liability and Food Safety

Preventing Wasted Food at Home

Preventing Wasted Food at School

Preventing Wasted Food at Food Businesses

EPA Food Recovery Challenge

U.S. Food Waste Challenge

Gleaning Crops from Local Farms / Survey

Additional Resources

"Throwing away food is like stealing from the tables of the poor, the hungry"

~ Pope Francis, World Environment Day, 2013

Legal Fact Sheets

- Connecticut Food Donation: Date Labeling Laws
- Connecticut Food Donation: Liability Protections
- Connecticut Food Donation: Tax Incentives for Businesses
- NEW: Connecticut Food Donation: Feeding Food Scraps to Animals

Why Does It Matter?



GLOBAL FOOD DONATION POLICY ATLAS

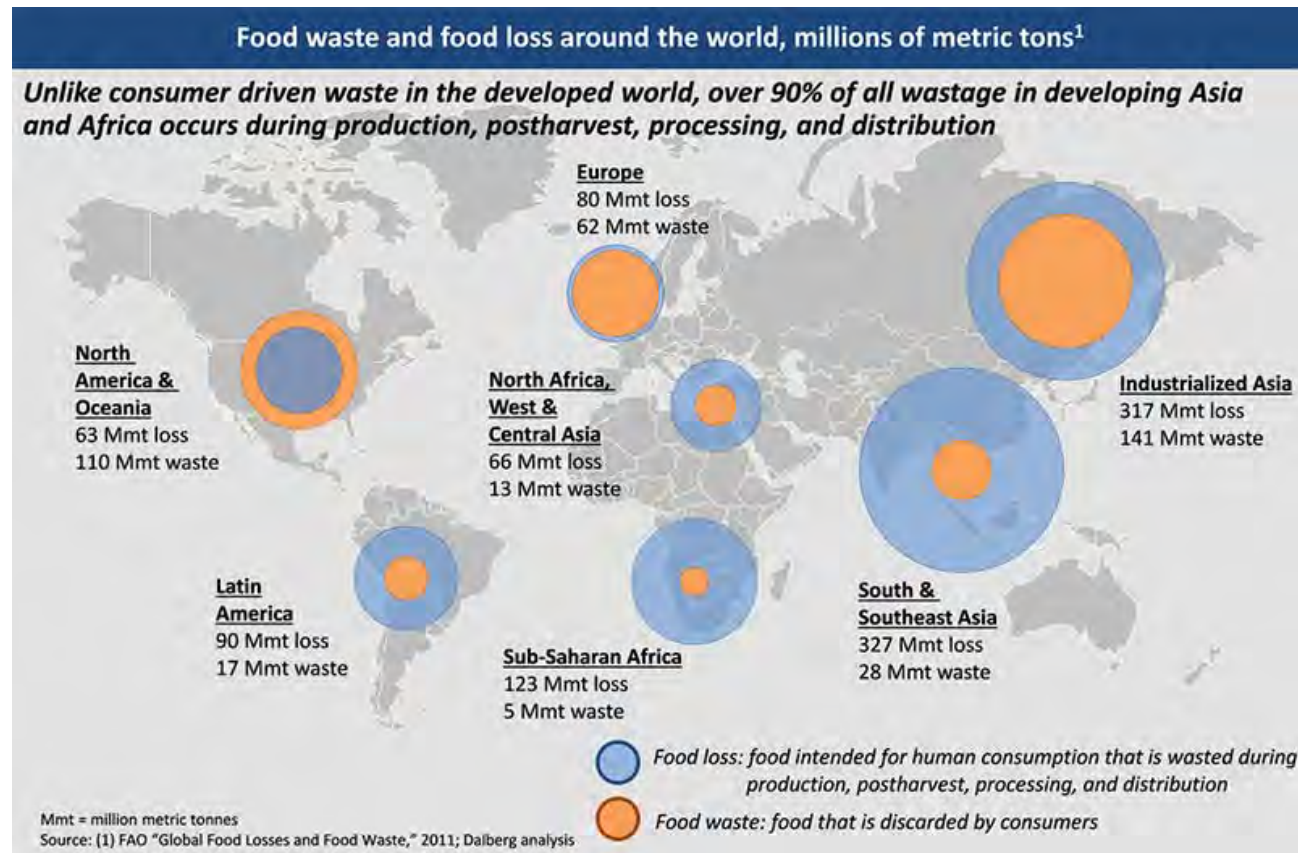
Keeping Food Out of the Landfill:

Policy Ideas for States and Localities





1.3 Billion Tons of Food Loss/Waste Globally

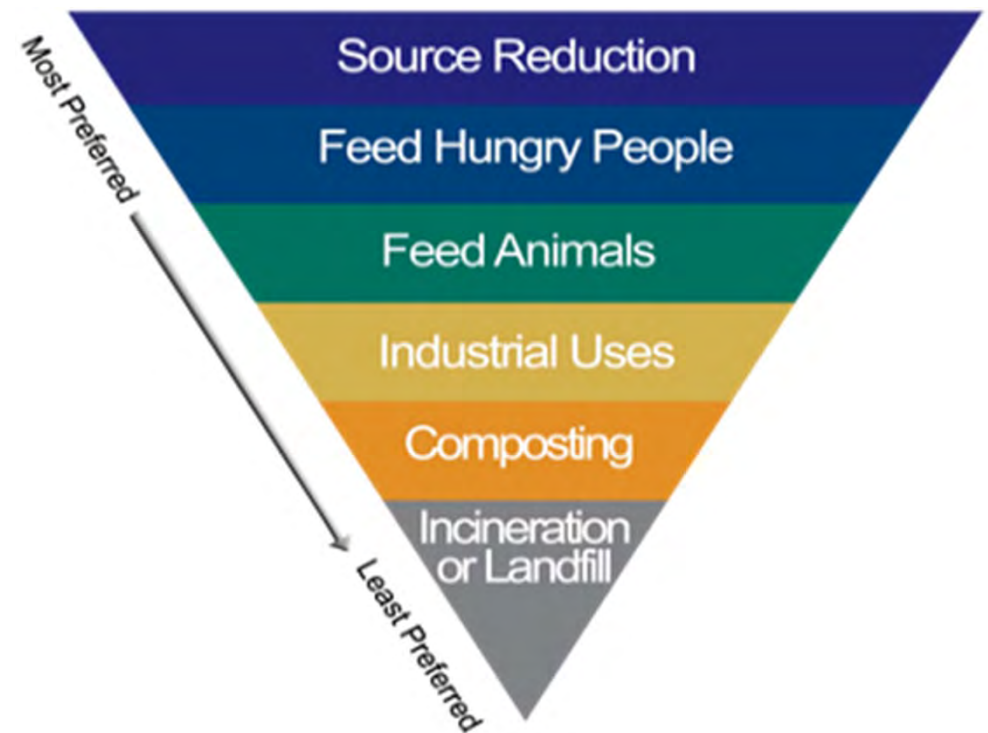




What is the role for policy?

- Regulation
- Labeling
- Tax
- Liability
- Spending
- Education and awareness
- Technical assistance
- Reporting requirements

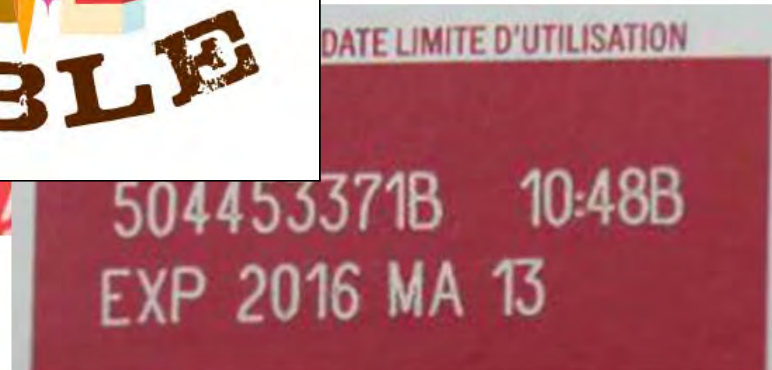
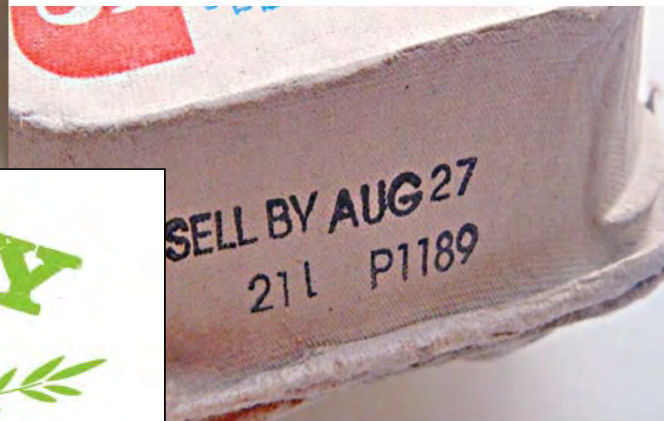
EPA Food Recovery Hierarchy





FLPC Path to Policy Development

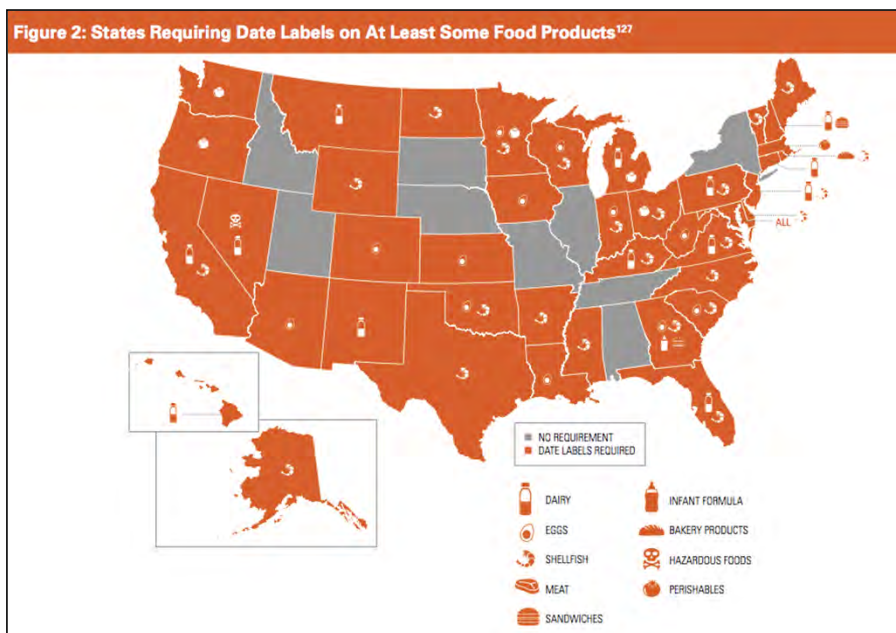




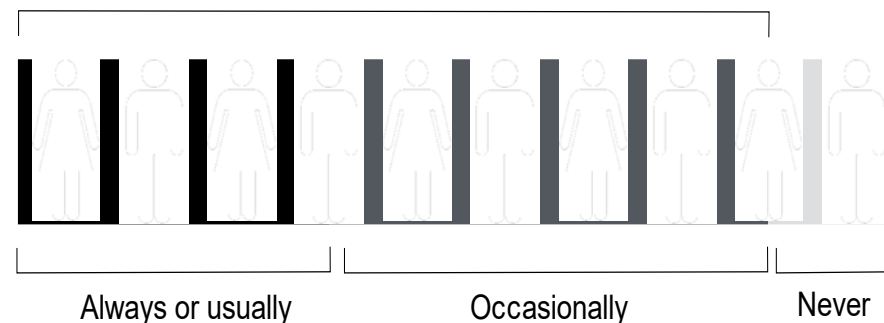


Problems with the System

Dating Game, FLPC and NRDC (2013)



84% of consumers at least occasionally discarded food close to or past the date on its package



Consumer Perceptions of Date Labels, FLPC, National Consumers League, Johns Hopkins (2016)



Voluntary Date Label Standard

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

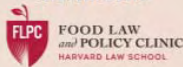




DATE LABELS: The Case for Federal Legislation



JUNE 2019



Food Date Labeling Act/ Agriculture Resilience Act

Date Label Elements

- 1) Standard labels – optional, but if a label is used it must be one of the following:
 - “BEST IF USED by” for quality
 - “USE by” for discard
- 2) Bans states from prohibiting sale or donation of foods past quality date
- 3) Requires FDA/USDA consumer education

Other Food Waste Provisions



Food Waste During Covid-19

Two main components of food waste right now:

- 1) commercial/hospitality sector supply chain is down
- 2) typical food waste continues, and is exacerbated due to COVID-19 challenges





What is the federal government doing?

- **The Emergency Food Assistance Program (TEFAP)**
 - TEFAP entitlement purchases (received add'l funding through Families First)
 - Section 32 bonus commodities
- **USDA Coronavirus Food Assistance Program**
 - \$ from CARES Act and Families First Act
 - \$16 billion in supports
 - \$3 billion in purchases for distribution
- **FEMA:** States/localities can apply for \$ to feed people
- **Food safety flexibility:** *ie*) Modifications to labeling req'ts, so hospitality sector can make commercial sales





POLICY SOLUTIONS



Funding to Purchase & Distribute Food

Possibilities:

- More funding from USDA (ie, if purchase & distribution program is successful, will need to scale up)
- Provide funding through TEFAP directly to states to make in-state purchases, beyond TEFAP national purchases (with focus on purchasing from struggling producers)
- Block grants to states to purchase food for needy families

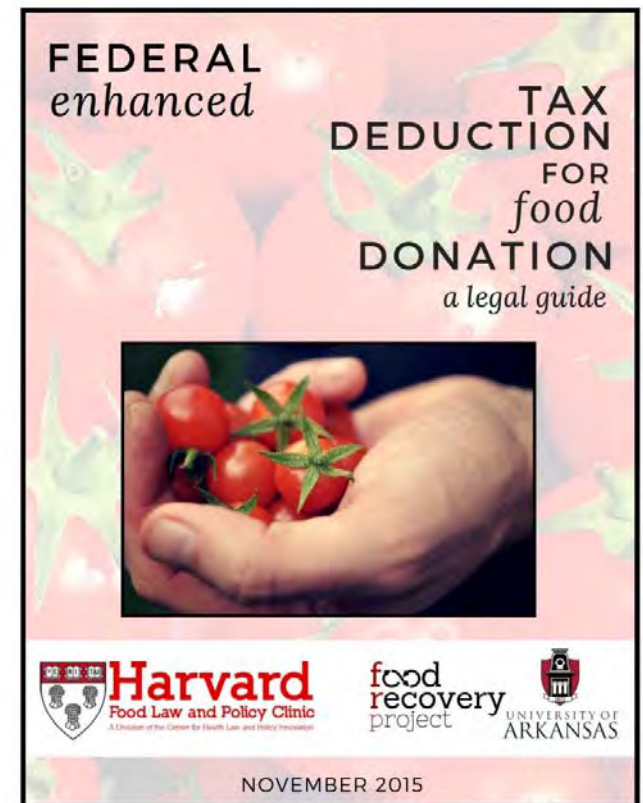




Tax Benefits to Incentivize Donation/Offset Costs

Possibilities:

- Expand enhanced deduction to cover food provided at a low cost (ie, could charge \$1 to cover home delivery)
- Create tax incentive to cover transportation costs for donated foods
- Offer alternative tax credit for farmer donations (they could opt for that instead of enhanced deduction)





Address Barriers & Create More Flexibilities



Possibilities:

- Clarify and expand liability protections for donated food
- Provide funds for transportation of donated food and last-mile delivery
- Ensure awareness of food safety modifications for commercial sector sales
- LAMP COVID-19 funds for technology and mobile operations for farmers markets
- Increase SNAP benefits and expand online sales



Harvard FLPC COVID-19 Response Page

<https://www.chlpi.org/food-law-and-policy/covid-19-response/>

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The novel coronavirus (COVID-19), identified in December 2019, has become a major outbreak and has recently spread rapidly across the United States, impacting life and society in many ways, including our food systems. The Harvard Law School Food Law and Policy Clinic (FLPC) is engaged in an emergency response effort to address the impact that COVID-19 is having on our food systems. Our efforts include initiatives supporting donations of excess food due to closures of universities and other venues, analyzing opportunities to increase low-cost home food delivery, and shoring up emergency food systems.

OTHER FLPC RESOURCE PAGES

Promoting Food Donation During COVID-19

FLPC COVID-19 RESOURCES

Donating Excess Food During the COVID-19 National Emergency

Many universities, venues, and other large institutions are being left with excess food as they close or significantly reduce operations as a result of the COVID-19 crisis. Donating this food to emergency food assistance institutions can go a long way toward supporting their increased needs at this time. More institutions can and should help provide food for those in need by donating their excess food. FLPC partnered with Feeding America, ReFED, and the Food Recovery Network to share information about how this can be done.

- [Read out handbook to learn more.](#)
- [Read our blog post for a summary.](#)

Support for Local and Regional Food Systems in COVID-19 Response

As social distancing measures close schools and public gatherings nationwide, farmers markets closures reveal a difficult reality for a particularly vulnerable segment of the food system: local and regional farmers and ranchers. Farmers selling into direct-to-consumer markets and institutional purchases, such as farmers markets and farm-to-school programs, stand to lose much or all of their revenue due to the COVID-19 crisis, and tons of produce may go to waste, all while economic downturn and job losses lead to stretched food banks and increased food insecurity. To help policymakers consider measures to respond to the crisis, FLPC and the National Sustainable Agriculture



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flpc@law.harvard.edu
www.chlpi.org/flpc

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