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

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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

GLOBAL FOOD DONATION POLICY ATLAS

Keeping Food Out of the Landfill:
Policy Ideas for States and Localities

PITTSBURGH FOOD POLICY COUNCIL

BILL LAW ENTERPRISE FARM

EXPIRED?

Restaurant Opportunities Centers United

Food Policy Council

Expire?

Food Waste in America
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

- Source Reduction
- Feed Hungry People
- Feed Animals
- IndustrialUses
- Composting
- Incineration or Landfill

[Diagram showing the EPA Food Recovery Hierarchy with steps from most preferred to least preferred.]
FLPC Path to Policy Development

Answer client legal/policy questions

Generate public reports and resources

Test policy ideas with stakeholders

Policy implementation

FLPC Clinic student testifying for DC Council
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

Always or usually  |  Occasionally  |  Never

*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
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
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 (i.e., 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
