The National Gleaning Project

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What is Gleaning?

• Collection of crops from farmers’ filed that have already been harvested where it is not economically or logistically feasible to field harvest. It can also include the collection of already harvested food at packing sheds. (Environmental Protection Agency)

• Act of collecting excess fresh foods from farms, gardens, farmers markets, grocers, restaurants, state/county fairs, or any other sources to provide it to those in need (United States Department of Agriculture)

• Understanding of gleaning varies
The National Gleaning Project

• Three year project funded by the National Agricultural Library of the United States Department of Agriculture

• Project has several objectives:
  • Develop a repository of information for gleaning organizations and food donors
  • Identify mechanisms that incentivize crop donations at the state and federal levels and develop policy recommendations in response to those
  • Address and assess liability issues related to gleaning
  • Facilitate the creation of a national network for gleaning organizations
Wide Variety in Types of Gleaning Organizations and Activities

- Paid v. unpaid staff
- Large numbers of donors v. smaller numbers
- Reliance on volunteers
- Direct contact with growers
- Processing of produce
- Distribution
- Training
Concerns for Gleaning Groups
(based on data collected from national survey)

- Funding and support for infrastructure, staff, and operations
- Partnerships and collaborations
- Best practices
- Incentives for farmers
- Educational resources for farmers, volunteers, etc.
- Liability
Legal Protection for Gleaning Activities

- Federal Law protects individuals engaged in gleaning activities from liability for a range of issues under the Bill Emerson Good Samaritan Food Donation Act, 42 U.S.C.A. § 1791 (2010)
- The Federal Act protects individuals and nonprofit organizations from civil and criminal liability if the food was donated in “good faith.”
- The Act also protects farmers/property owners from civil and criminal liability in the event gleaners are injured on their property assuming certain conditions are met and except in cases of gross negligence or intentional misconduct.
- Gross negligence means voluntary and conscious conduct (including a failure to act) by a person who knew the conduct was harmful to the health or well-being of another
Partial Federal Preemption

- The Federal Good Samaritan Act alone does not limit liability for gleaning activities because it does not preempt state or local laws that provide more liability protection than the federal law.
- The Act operates as a floor for liability protection

What does this mean?
- This means that advocates must understand both federal and state law to protect gleaners from liability. Simply put - state laws complement federal law to create immunity from liability for gleaning activities and the state laws may provide for more protection from liability, but not less than the federal law.

Note: Immunity from liability for gleaning is limited and varies from state to state.
State Good Samaritan Laws

Some states’ laws specifically limit the immunity of people involved in gleaning, such as

1. **Donors** - grocery stores, restaurants, wholesale, farm or other “givers” of food for gleaning,
2. **Donees** - gleaning organizations, charities, soup kitchens, and sometimes food hubs, and
3. **Farmers** - landowners and food producers.
Vermont’s Good Samaritan Law

- Vermont’s law protects a donor who donates any canned or perishable food or farm product to a charitable or nonprofit organization for free distribution from criminal or civil liability arising from the condition of the food, except in cases that the “donor has actual or constructive knowledge that the food is adulterated, tainted, contaminated or harmful to the health or well-being of the person consuming said food.”
What do state laws generally have in common?

These laws do not grant protection from liability in cases of:

- gross negligence;
- recklessness;
- intentional misconduct; or
- donations consisting of food that has been misbranded, adulterated, or is in violation of applicable regulations.
Thank you! Questions/Comments?

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http://nationalgleaningproject.org