



FOOD LAW
and POLICY CLINIC
HARVARD LAW SCHOOL

OPPORTUNITIES TO REDUCE FOOD WASTE IN THE 2018 FARM BILL

EXECUTIVE SUMMARY



Prevention



Recovery



Recycling



Coordination

May 2017

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The United States produces an abundance of food each year, but approximately 40% of it never makes it to people's plates. Each year, 62.5 million tons of food winds up in landfills, costing the U.S. about \$218 billion each year to grow, process, transport and dispose of food that is never eaten. This waste carries with it enormous economic, environmental and social costs, but also represents great opportunity. It is estimated that recovering just 30% of the food that goes to waste in the U.S. could feed all the food insecure Americans their total diet. ReFED, a collaboration of business, nonprofit, foundation and government leaders committed to reducing food waste, analyzed 27 food waste solutions and found that their implementation has the potential to generate 15,000 new jobs and \$1.9 billion in annual business profit potential, to double the amount of food donations to nonprofits, and to save 1.6 trillion gallons of water and avoid 18 million tons of greenhouse gas emissions annually.

The federal government has an important role to play in the continued effort to reduce food waste. In 2015, the U.S. Department of Agriculture (USDA) and the U.S. Environmental Protection Agency (EPA) jointly announced the nation's first-ever food waste reduction goal, aiming to cut our food waste by 50% by the year 2030. However, in order to meet our waste reduction goals, the federal government must make food waste reduction a legislative priority in upcoming years. As the 2018 Farm Bill will be the first U.S. Farm Bill authorized since the announcement of our national goal, now is the time to make a commitment to progress in this area. The Farm Bill authorizes \$500 billion over 5 years across the entire food system, but until now, none of that money has been spent on food waste reduction.

Opportunities to Reduce Food Waste in the 2018 Farm Bill details how Congress can take action to reduce food waste, highlighting opportunities for inclusion in the 2018 Farm Bill. Given the strong bipartisan support for measures to reduce food waste, the next Farm Bill provides an exciting opportunity to invest in food waste reduction in order to support the social, economic, and environmental benefits that can come along with reducing food waste. This report breaks food waste recommendations into categories based on whether they are intended to reduce food waste, recover more food for donation, or recycle food scraps through composting or anaerobic digestion.

FOOD WASTE PREVENTION



Waste prevention efforts aim for early intervention at the root causes of food waste – they locate and address inefficiencies in our food system before excess food is produced or transported to places that cannot utilize that food. Waste prevention efforts keep millions of tons of food out of the landfill, and altogether, the waste prevention policies discussed in this section have the potential to divert nearly 1.5 million tons of food waste annually from landfills, while producing more than \$4.5 billion each year in economic value.

Top Food Waste Prevention Solutions for the 2018 Farm Bill:

Standardize and clarify date labels

There is no federal system regulating the “sell by,” “best by,” “use by,” and other date labels used on food. Instead, each state decides whether and how to regulate date labels, leading to a patchwork of inconsistent regulations. Manufacturers have broad discretion over how expiration dates on foods are selected, and these dates typically reflect quality and taste rather than safety. Yet businesses, individuals, and even state regulators frequently misunderstand the dates and interpret them to be indicators of safety, leading to the unnecessary waste of wholesome food. Some states even restrict or forbid the sale or donation of past-date foods. These inconsistent and misguided state laws lead to wholesome foods unnecessarily being discarded rather than donated. In order to reduce consumer confusion and the resulting food waste the 2018 Farm Bill should standardize date labels through the Miscellaneous Title or a new Food Waste Reduction Title.

Provide funding to K-12 schools to incorporate food waste prevention and food recovery education in their programs

Schools are not immune to the national food waste rates and elementary and secondary schools waste about two pounds of food per student each month. A multitude of factors contribute to food waste in schools. For instance, students generally have too little time to eat, and rushed students eat less and throw away more. Yet

schools offer opportunities to both reduce waste and educate the next generation about the value of food. The 2018 Farm Bill should set aside grant funding to support K-12 schools in implementing food waste reduction practices in cafeterias onsite and integrating food recovery education into school curricula. Congress could achieve this by creating a new grant program through the Miscellaneous Title or a Food Waste Reduction Title, or by adjusting authorizing language of the Food and Agriculture Service Learning Program (Nutrition Title) to explicitly include food waste reduction education.

Launch a national food waste education and awareness campaign

American consumers alone are responsible for 43% of all U.S. food waste. Research shows that while consumers understand the importance of food waste reduction in the U.S., they do not recognize their own role in reducing food waste. The federal government can use the upcoming 2018 Farm Bill to support a national food waste education and awareness campaign to address and correct wasteful practices in the Miscellaneous Title or a Food Waste Reduction Title. Congress could also modify the Expanded Nutrition Education Program (Research Title) or the Supplemental Nutrition Access Program Education (Nutrition Title), which teach strategies for purchasing and preparing healthy food on a budget, to include consumer food waste prevention tactics.

Additional Waste Prevention Solutions:

- Provide grant funding for new technologies to slow spoilage
- Implement a certification system for businesses that demonstrate food waste reduction practices
- Conduct comprehensive national research on food waste to quantify the amount of food wasted, identify the types of food wasted, and determine the points in the supply chain at which food tends to be wasted

FOOD RECOVERY: INCREASING DONATIONS BY FARMS, FOOD MANUFACTURERS, RETAILERS AND RESTAURANTS



Food recovery solutions aim to recover surplus food and redistribute it to those in need. Potential exists to recover surplus food from all levels of the food chain, and reducing barriers to food donation could result in the recovery of roughly 5.8 million additional tons of food each year. Nearly half of this new food recovery potential comes from farms, more than a third from restaurants, and the rest from grocers and retailers.

Top Food Recovery Solutions for the 2018 Farm Bill:

Strengthen the Bill Emerson Good Samaritan Food Donation Act

The Bill Emerson Good Samaritan Food Donation Act (Emerson Act) provides a federal baseline of civil and criminal liability protections for food donors and the nonprofits that distribute food donations. The protections afforded by the Emerson Act are significant and have enabled many food donations; yet, numerous existing and prospective donors remain unaware of these protections and several provisions in the Act could be broadened to better align with the current food recovery landscape. The 2018 Farm Bill should delegate to USDA or another federal agency the responsibility to provide guidance related to the Emerson Act. Furthermore, Congress should modify several provisions in the Act to better align with the current food recovery landscape. These changes could be incorporated into the Miscellaneous Title or a Food Waste Reduction Title.

Provide grant support for infrastructure investments to food recovery organizations

The facilities needed to successfully recover and process surplus food can make donation costly for donors and food recovery organizations, which in turn limits the scope of their operations. The 2018 Farm Bill should provide grant support to food recovery organizations to enable them to purchase necessary equipment and infrastructure, such as refrigerated vehicles, kitchen equipment, and storage space, as well as to pay for labor needed to prepare and transport donated food. Congress could do this by expanding eligibility for the Farmers

Market and Local Food Promotion Program (Horticulture and Organic Agriculture Title) to food recovery organizations, and create a food recovery set aside for that program and the Community Food Project grants (Nutrition Title). Or it could create an entirely new grant program under the Miscellaneous Title or a Food Waste Reduction Title.

Provide grant support to innovative food recovery models

Innovative approaches to food recovery have the potential to enhance food donations and reduce food waste in ways not yet imagined. Innovators are currently testing technologies to connect donors and recovery organizations, converting nonconforming fruits and vegetables into new products, like juices and soups, or applying retail models to provide surplus food at a low cost. The 2018 Farm Bill should provide support to all kinds of innovative organizations testing entrepreneurial approaches to food recovery by expanding funding for the Farmers Market and Local Food Promotion Program (Horticulture and Organic Agriculture Title), Community Food Project grants (Nutrition Title), and the Value Added Producer Grant (Rural Development Title) and setting aside a portion of funding for innovative food recovery models, or by creating a new grant program for such organizations under the Miscellaneous Title, or a new Food Waste Reduction Title. These models offer transformative potential for food recovery while providing jobs and economic development potential, all because they utilize surplus food as a resource rather than letting it go to waste.

Additional Food Recovery Solutions:

- Encourage USDA grant recipients to donate surplus food by incentivizing food donation through grant selection criteria
- Expand federal tax incentives for food donations
- Require USDA to conduct a study on ways to reduce food waste and support food recovery from farms

FOOD WASTE RECYCLING: COMPOSTING AND ANAEROBIC DIGESTION



Food waste is the largest component of landfills nationwide, and it produces 113 million tons of greenhouse gases each year. In 2008, the EPA reported the cost of disposing of food waste in landfills was approximately \$1.3 billion. Despite improvements in food waste prevention and recovery initiatives, there will inevitably be some food that must be discarded. The farm bill should support methods of food disposal that are sustainable, economically beneficial, and that limit the use of landfill space.

Top Food Recycling Solutions for the 2018 Farm Bill:

Provide federal grants to support state and municipal organic waste bans, zero waste goals, and food waste prevention plans

Organic waste bans prevent entities that generate specified amounts of food waste from sending this waste to landfills. By limiting the amount of organic waste those entities can dispose of in landfills, these bans compel food waste generators to reduce their food waste. Zero food waste goals or food waste prevention plans can also help municipalities address their specific food waste challenges from multiple directions. However, they are difficult to get off the ground because of high start-up costs, but have shown great promise in terms of food waste diversion, increased food donation, and positive economic impacts. In order to incentivize states to implement organic waste bans, the 2018 Farm Bill should provide federal grant funding to states for planning and implementation of waste bans, zero waste goals, or waste diversion requirements. These grants could be incorporated into the farm bill under the Miscellaneous Title or a Food Waste Reduction Title.

Provide grants for the development of composting and anaerobic digestion (AD) infrastructure

Cost poses a significant barrier to expanding composting and AD. States have tight budgets and often do not have the funds to support creation of this needed infrastructure. To defray the steep upfront cost, the federal government should provide financial assistance in the 2018 Farm Bill to help build these facilities. Congress could modify the language in several existing programs located in the Rural Development and Energy Titles to preference applicants with a food waste recycling focus. Congress could also increase funding for the Environmental Quality Incentives Program (EQIP) in the Conservation Title, which provides support for conservation practices, while setting aside a portion of funding for composting and AD. A new grant program also could be created through the Miscellaneous Title or a new Food Waste Reduction Title to support composting and AD infrastructure in urban and peri-urban areas.

Additional Food Recycling Solutions:

- Provide research and development funding to expand the range of compostable and digestible materials and explore additional applications for compost and digestate

FOOD WASTE REDUCTION COORDINATION



At present there is no government office or agency responsible for overseeing food waste reduction or recovery efforts. As a result, national food policies are developed without food waste and food recovery in mind, opportunities to raise awareness about food waste are missed, and policy solutions that could represent major strides towards reducing food waste never make their way into law. Designating an office to support food waste efforts could streamline efforts to reduce food waste.

Top Food Waste Reduction Coordination Solution for the 2018 Farm Bill:

Create an Office of Food Waste Reduction or a Food Waste Coordinator Position within the USDA

The federal government can support food waste reduction by establishing an Office for Food Waste Reduction within the USDA. The Office of Food Waste Reduction could implement new programs to reduce food waste and increase food recovery, identify and recommend feasible ways to amend pre-existing federal programs to better support a national effort against food waste, and support businesses in their efforts to reduce food waste by providing them guidance and resources. In the alternative, Congress could create a singular Food Waste Coordinator position within the USDA Office of the Secretary. Congress could create the Office of Food Waste Reduction or the Food Waste Coordinator Position through the Miscellaneous Title or a new Food Waste Reduction Title.

Additional Food Waste Reduction Coordination Solution:

- Establish an interagency task force and an external advisory council on food recovery

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