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
Provide **legal and policy advice** to nonprofits, government agencies, entrepreneurs, and other organizations on a range of food policy questions.

**About FLPC**

- **Sustainable Food Production**
- **Food Access & Nutrition**
- **Community Food System Planning**
- **Reducing Food Waste**

Educate students about the role of law and policy in the food system.
Our Work

GLOBAL FOOD DONATION POLICY ATLAS
1.3 Billion Tons of Food Loss/Waste Globally

Food waste and food loss around the world, millions of metric tons

Unlike consumer driven waste in the developed world, over 90% of all wastage in developing Asia and Africa occurs during production, postharvest, processing, and distribution.

- **Europe**: 80 Mmt loss, 62 Mmt waste
- **Industrialized Asia**: 317 Mmt loss, 141 Mmt waste
- **North America & Oceania**: 63 Mmt loss, 110 Mmt waste
- **North Africa, West & Central Asia**: 66 Mmt loss, 13 Mmt waste
- **Latin America**: 90 Mmt loss, 17 Mmt waste
- **Sub-Saharan Africa**: 123 Mmt loss, 5 Mmt waste
- **South & Southeast Asia**: 327 Mmt loss, 28 Mmt waste

Food loss: food intended for human consumption that is wasted during production, postharvest, processing, and distribution.

Food waste: food that is discarded by consumers.

Source: (1) FAO “Global Food Losses and Food Waste,” 2011; Dalberg analysis.
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
- Industrial Uses
- Composting
- Incineration or Landfill

Most Preferred

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 discard 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
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 (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
