



FOOD LAW
and POLICY CLINIC
HARVARD LAW SCHOOL

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

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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

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 Resource Center
State Agency Recycling Resources
Reduce/Reuse/Recycle Main Page
Main Menu

Report on 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](#)
[Cleaning 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](#)



GLOBAL FOOD DONATION POLICY ATLAS

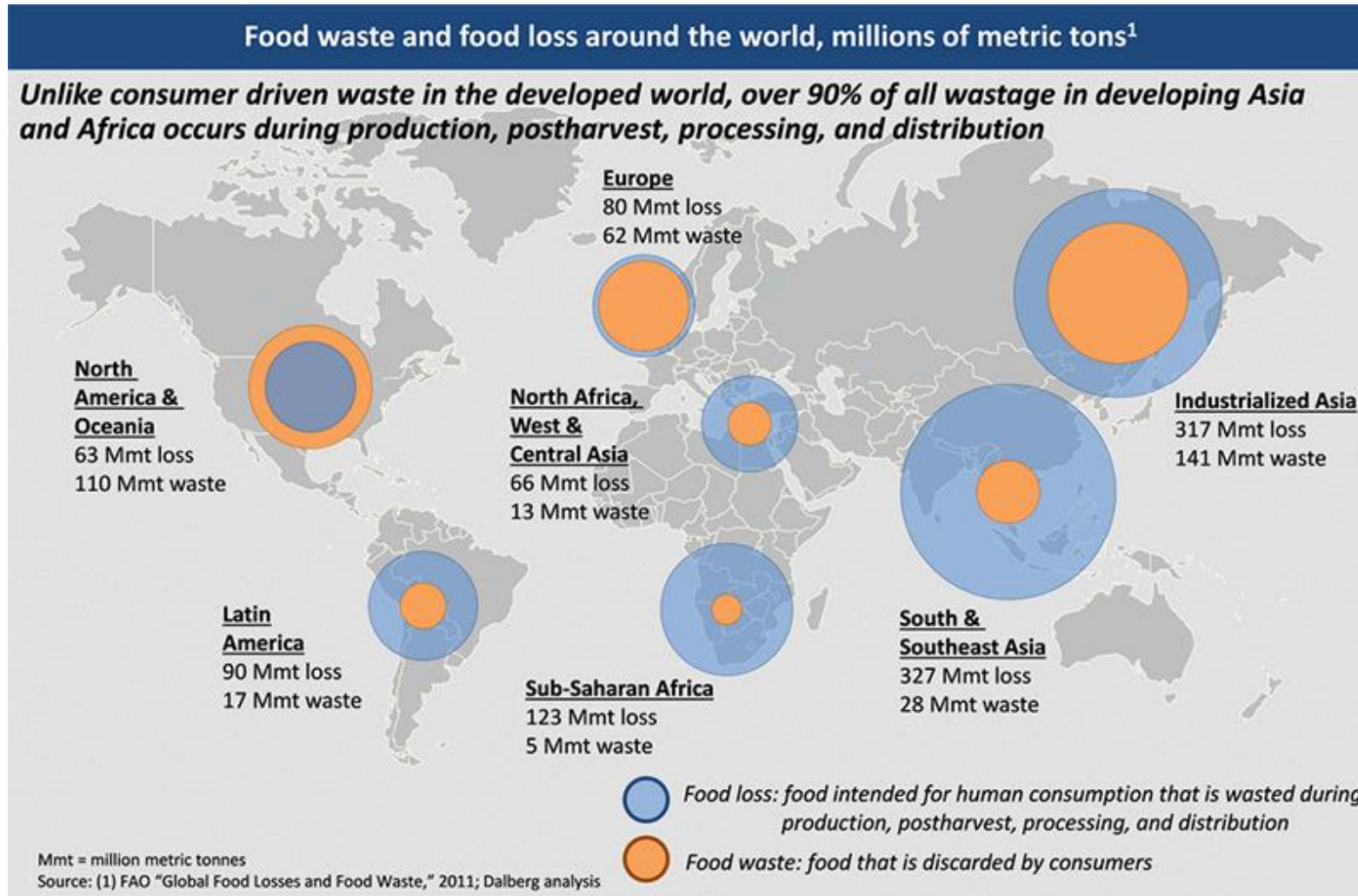
Keeping Food Out of the Landfill: Policy Ideas for States and Localities

is food waste. According to the
ited in the United States in 2011 -
sd, just 3.9% was diverted from





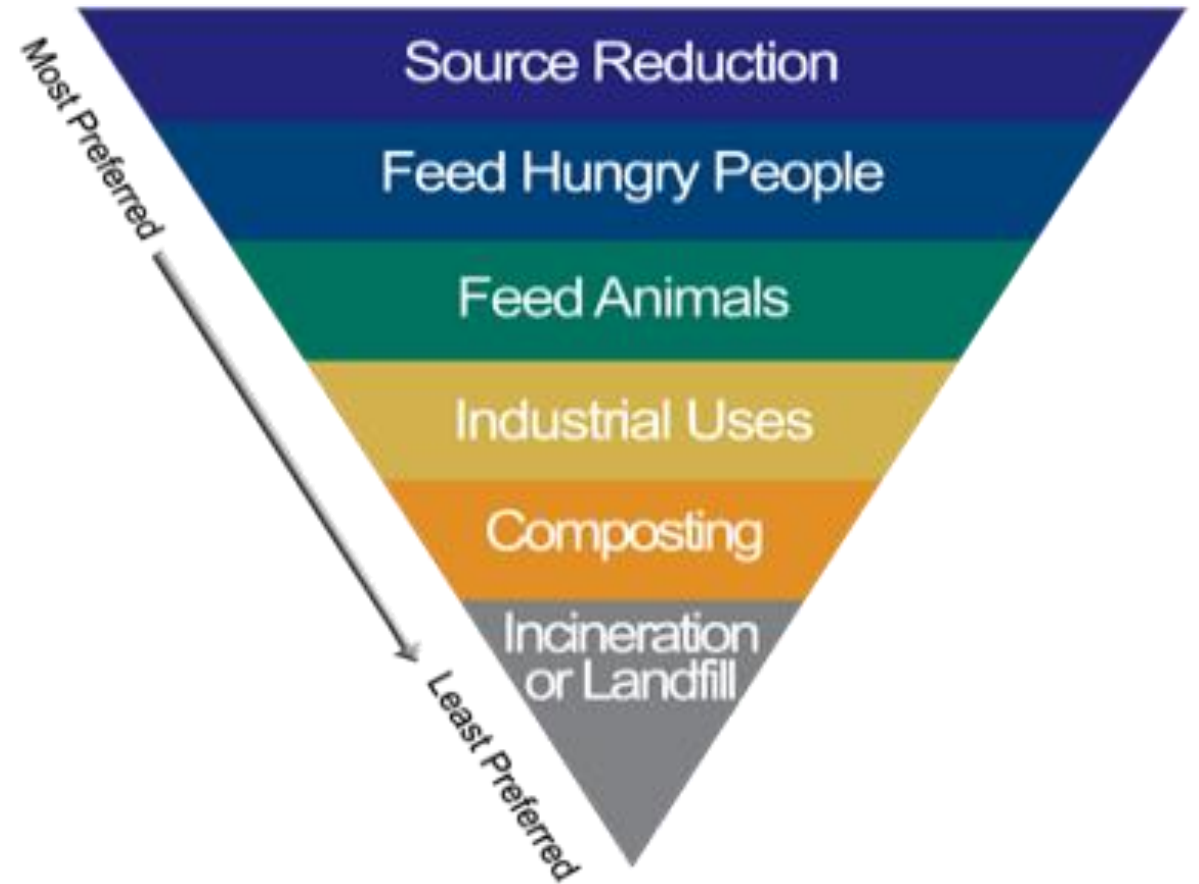
1.3 Billion Tons of Food Loss/Waste Globally



What is the role for policy?

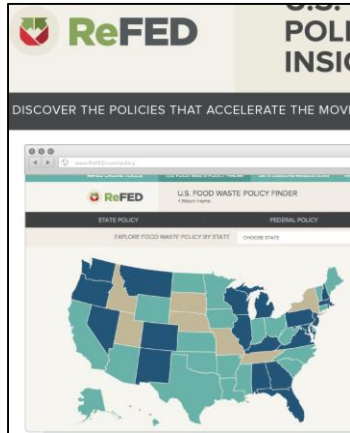
- Regulation
- Labeling
- Tax
- Liability
- Spending
- Education and awareness
- Technical assistance
- Reporting requirements

EPA Food Recovery Hierarchy





FLPC Path to Policy Development



FLPC Clinic student testifying for DC Council



BEST BEFORE
DEC 12 12 V 20:30

SELL BY AUG 27
21L P1189



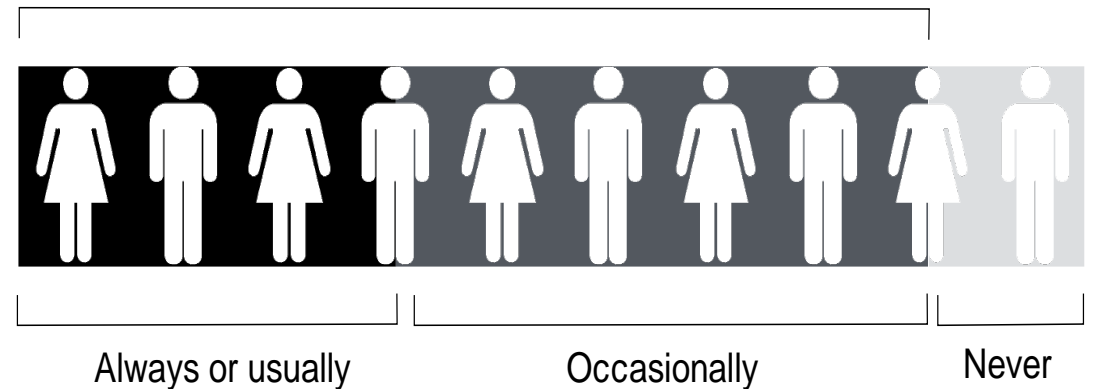
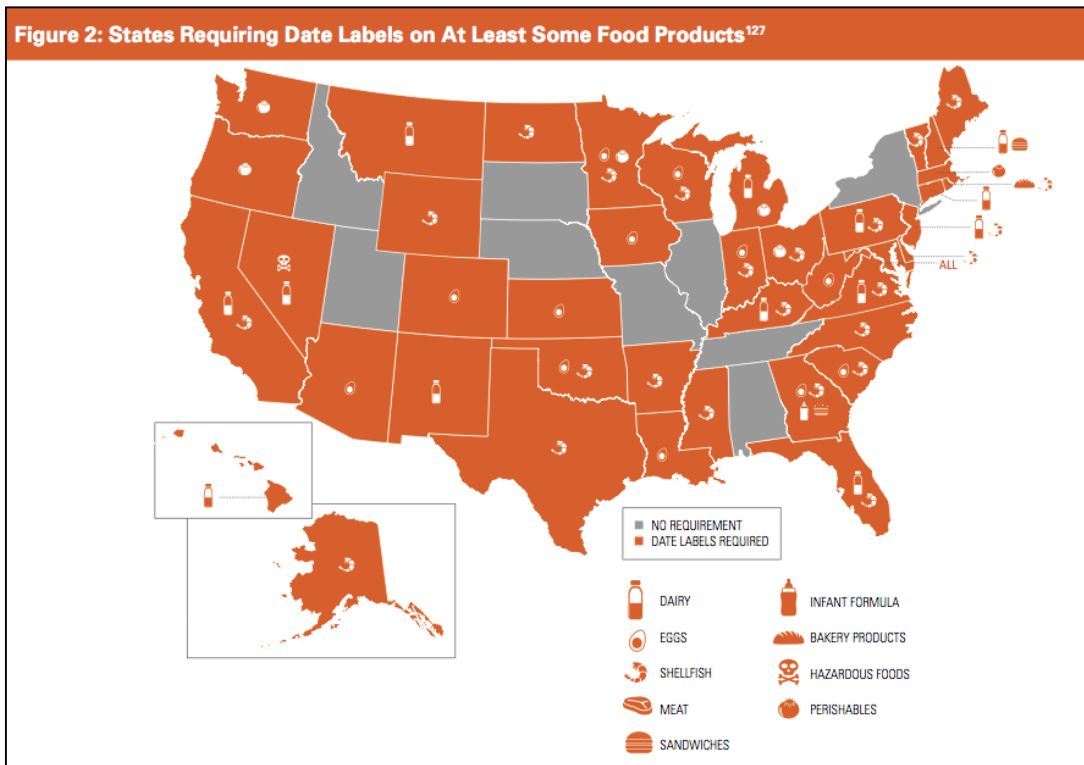
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Problems with the System

Dating Game, FLPC and NRDC (2013)

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



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:

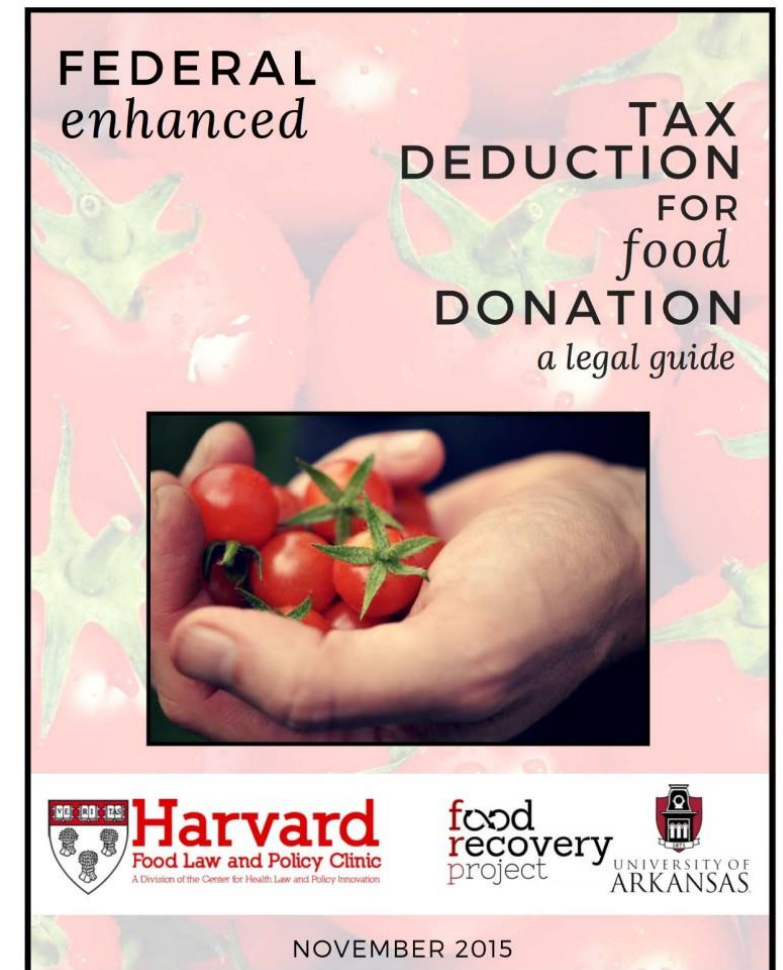
- More funding from USDA (ie, if purchase & distribution program is successful, will need to scale up)
- Provide funding through TEFAP directly to states to make in-state purchases, beyond TEFAP national purchases (with focus on purchasing from struggling producers)
- Block grants to states to purchase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

The screenshot shows the Harvard Law School Food Law and Policy Clinic (FLPC) website's COVID-19 Response page. The page features a navigation menu with links for 'About Us', 'Health Law & Policy', 'Food Law & Policy', 'Publications & Presentations', 'News', and 'CHLPI Blog'. A search bar is located in the top right corner, and a 'Contact Us' button is in the top right corner. The main heading is 'COVID-19 Response', with a breadcrumb trail: 'Home / Food Law and Policy / COVID-19 Response'. On the left, there is a sidebar menu with links: 'About', 'COVID-19 Response', 'Students', 'Clients & Partners', 'Food Initiatives', 'Current Projects', 'Food Law Library', 'Major Events', 'Massachusetts Food is Medicine State Plan', 'Careers in Food Law & Policy', and 'Food Law Blog'. The main content area includes an introductory paragraph about the COVID-19 outbreak, a section for 'OTHER FLPC RESOURCE PAGES' with a link to 'Promoting Food Donation During COVID-19', a section for 'FLPC COVID-19 RESOURCES' with a link to 'Donating Excess Food During the COVID-19 National Emergency', and a list of two links: 'Read out handout to learn more.' and 'Read our blog post for a summary.'. Below this is a section for 'Support for Local and Regional Food Systems in COVID-19 Response' with a detailed paragraph about the impact of social distancing on farmers and food systems.



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