

EPA's Sustainable Food Management



October 25, 2016 @ CTDEEP

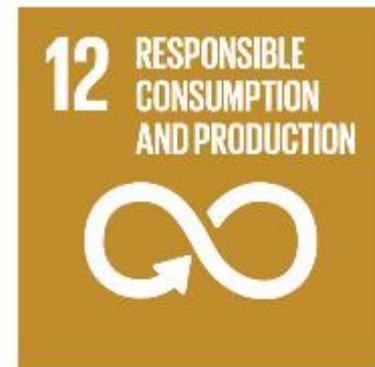
Christine Beling
United States Environmental Protection Agency



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

US 2030 Food Loss & Waste Reduction Goal

- On September 16, 2015, US EPA Deputy Administrator Meiburg and USDA Secretary Vilsack announced the United States' first-ever national food waste reduction goal.
- Reduce wasted food by 50% by 2030.



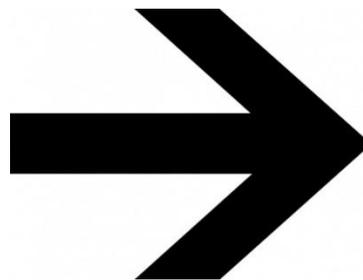
2015
United
Nations



U.S. 2030 Food Loss and Waste Goal

50% cut

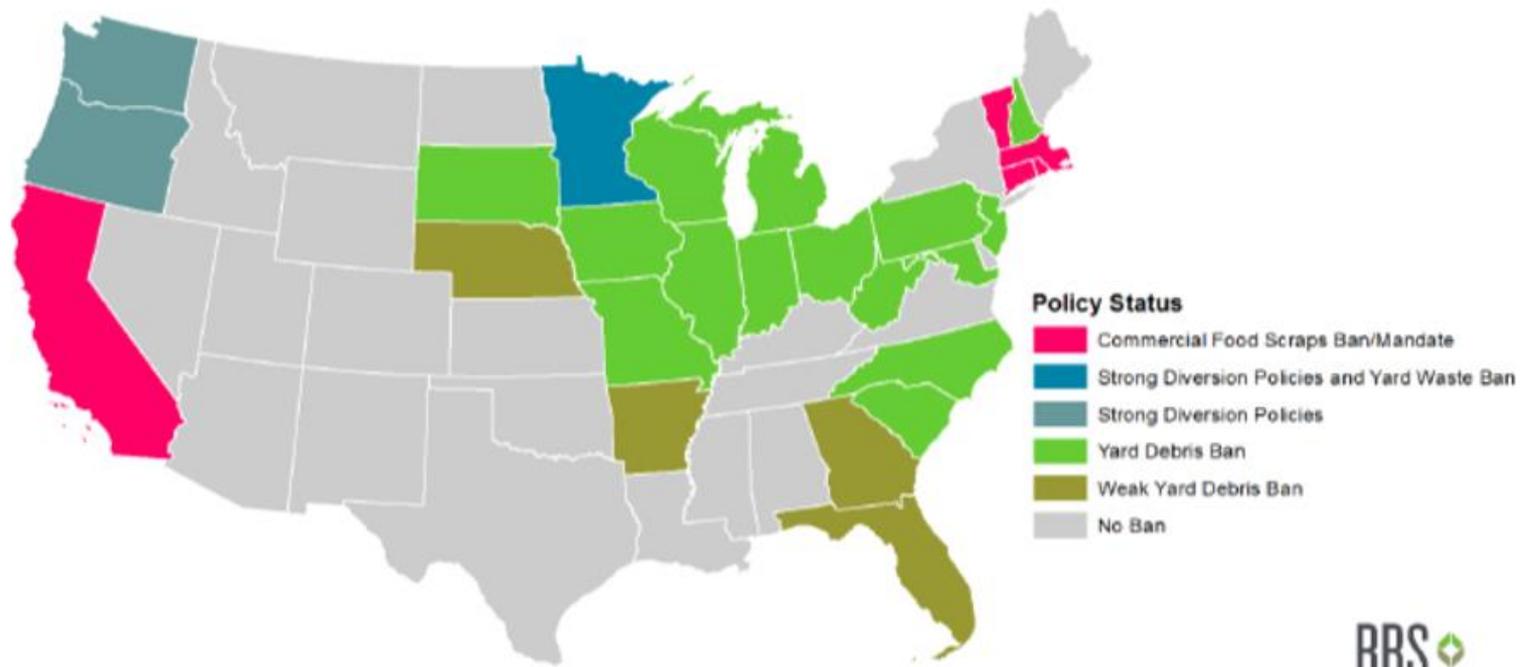
Baseline:
218.9 pounds
per person



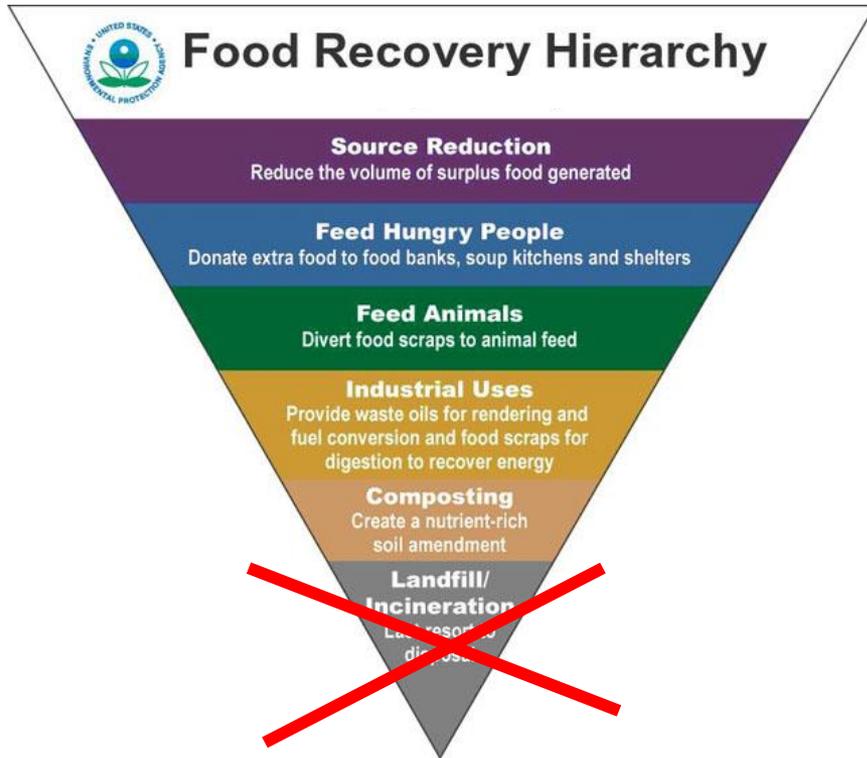
Goal:
109.4 pounds
per person



National Picture of *Organics* Policy



EPA's Sustainable Food Management Program



Commercial
Food Recovery Challenge

Residential
Food: Too Good to Waste



www.epa.gov/smm/foodrecovery

Food Recovery Challenge



Food Recovery Challenge in CT

Participants

University of Connecticut Department of Dining Services

Wesleyan University (Bon Appétit)

Southern Connecticut State University

Mohegan Tribe of Indians of CT

Whole Foods Market, Northeast Region 6 stores

ESPN

Big Y

BJs Wholesale club

Hannaford

Endorsers

Community Plates

CT Department of Energy & Environmental Protection

Phood LLC

2 Healthy Community Grants in CT

The screenshot shows the EPA website's navigation and content for the 2016 Healthy Communities Grant Program. At the top left is the EPA logo and the text "United States Environmental Protection Agency". To the right, there is a search bar with "Advanced Search" and "A-Z Index" links, and a search button. Below the navigation bar are tabs for "LEARN THE ISSUES", "SCIENCE & TECHNOLOGY", "LAWS & REGULATIONS", and "ABOUT EPA". The main content area is titled "Urban Environmental Program in New England" and includes a breadcrumb trail: "You are here: EPA Home » EPA New England » UEP » Healthy Communities Grant Program » 2016". The main heading is "2016 Healthy Communities Grant Program". The text describes the program as EPA New England's main competitive grant program to work directly with communities to reduce environmental risks, protect and improve human health, and improve the quality of life. It lists five key goals: targeting resources to benefit communities at risk, assessing and reducing environmental and human health risks, increasing collaboration through partnerships, building institutional and community capacity, and achieving measurable environmental and human health benefits. A sidebar on the left contains a menu with items like "About EPA New England", "A-Z Index", "Urban Environmental Program Home", "Strategy", "Connecticut", "Massachusetts", "Rhode Island", "Healthy Communities Grant Program", and "Climate Change in".

Urban Environmental Program in New England

2016 Healthy Communities Grant Program

The Healthy Communities Grant Program is EPA New England's main competitive grant program to work directly with communities to reduce environmental risks, protect and improve human health and improve the quality of life. The Healthy Communities Grant Program will achieve this through identifying and funding projects that:

- Target resources to benefit communities at risk [areas at risk from climate change impacts, environmental justice areas of potential concern, sensitive populations (e.g. children, elderly, tribes, urban/rural residents, and others at increased risk)].
- Assess, understand, and reduce environmental and human health risks.
- Increase collaboration through partnerships and community-based projects.
- Build institutional and community capacity to understand and solve environmental and human health problems.
- Advance emergency preparedness and ecosystem resilience.
- Achieve measurable environmental and human health benefits.

- **Stamford Housing Authority/Charter Oaks Communities-Fairgate Farm Community Composting**
- **Center for EcoTechnology-Don't Waste Bridgeport**

CT Food Donation Laws and Liability Protection



Legal Fact Sheet for Massachusetts Food Donation: Liability Protections - July 2015

Businesses and nonprofits that provide or receive donated food are generally well-protected by laws designed to provide immunity from liability related to such donations. The federal Bill Emerson Good Samaritan Food Donation Act provides liability protection for food donors, and Massachusetts' Good Samaritan law provides additional liability protection to businesses in the state.

The Emerson Good Samaritan Act

The Bill Emerson Good Samaritan Food Donation Act (the Emerson Act) provides a federal baseline of protection for food donors.¹ The Emerson Act covers individuals, businesses, non-profit organizations, and the officers of businesses and non-profit organizations. It also covers gleaners—individuals that harvest donated agricultural crops to a nonprofit organization that distributes to the needy.² These individuals and businesses are protected so long as they donate qualifying types of food in good faith.

- **Qualifying Food:** The donated food must be "apparently wholesome" or an "apparently fit grocery product" and meet "all quality and labeling standards imposed by Federal, State, and local laws and regulations," even if it is not "readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions."³
- **Exception for Reconditioned Food:** Even if a food does not meet all applicable standards, the donor can still be protected by the Emerson Act as long as (s)he follows all of the Act's reconditioning procedures,⁴ which include:
 - 1) The donor informs the nonprofit of the nonconforming nature of the product;
 - 2) The nonprofit agrees to recondition the item so that it is compliant; and
 - 3) The nonprofit knows the standards for reconditioning the item.⁵

The Emerson Act protects most but not all donations of qualifying food. In order to get protection, the transaction must be structured such that:

- 1) The donor donates to a non-profit organization.⁶
- 2) This nonprofit organization that receives the donated food distributes it to needy populations.⁷ Direct donations from the donor to needy individuals do not seem to be protected by the Act.⁸
- 3) The ultimate recipients do not pay for this donated food.⁹ However, if one nonprofit donates food to another nonprofit for distribution, the Act allows the first nonprofit to charge the distributing nonprofit a nominal fee to cover handling and processing costs.¹⁰

So long as these criteria are met, the Emerson Act is quite protective of donors, and does not hold a donor liable unless the donor acts with gross negligence or intentional misconduct.¹¹

- **Gross Negligence** involves "voluntary and conscious conduct (including a failure to act)" by a person or organization that knew when the donation was made that the donated food was likely to have harmful health impacts.¹²

¹ 42 U.S.C.A. §1791 (West 2015).

² *Id.* §1791(b)(5).

³ There is an exception for mislabeled food products that are "not readily marketable," which can also be protected so long as the donor explains the mislabeling to the donee, and the donee has sufficient knowledge to and does recondition the product to meet applicable standards. *Id.* §1791(b)(1)-(2).

⁴ *Legal Guide to Food Recovery*, U. Ark. L.L.M. Def' for Agric. & Food Law 10 (2013), available at <http://www.uark.edu/foodrecovery/2013/08/14/agric-guide-to-food-recovery.pdf>.

⁵ *Id.*

⁶ The Act defines a non-profit as an incorporated or unincorporated entity that satisfies these requirements: (1) operates "for religious, charitable, or educational purposes" and (2) "does not provide net earnings to, or operate in any other manner for the benefit of any officer, employee, or shareholder." 42 U.S.C.A. §1791(b)(9) (West 2015).

⁷ *Id.* §1791(c).

⁸ *See id.*

⁹ *Id.* §1791(b)(3).

¹⁰ *Id.*

¹¹ *Id.* §1791(c)(3).



Harvard

Food Law and Policy Clinic

A Division of the Center for Health Law and Policy Innovation

Legal Fact Sheets:

- Liability Protections
- Date Labeling
- Tax Incentives

<http://www.ct.gov/deep/cwp/view.asp?a=2714&q=531602&de>

https://
www.epa.gov/anaerobic-digestion

Anaerobic Digestion (AD)

Learn about anaerobic digestion, how it works and what it can do for you.

Basic Information



- [How does AD work?](#)
- [What is made during the AD process?](#)
- [How are the products of AD used?](#)

Environmental Benefits



- [Diversion of organics from landfills](#)
- [Renewable energy generation](#)
- [Soil health benefits](#)



BEST IF USED.

40% OF FOOD IN AMERICA IS WASTED

COOK IT, STORE IT, SHARE IT.
JUST DON'T WASTE IT.

SAVETHEFOOD.COM



BEST IF USED.

**TRASHING ONE EGG WASTES
55 GALLONS OF WATER**

COOK IT, STORE IT, SHARE IT.
JUST DON'T WASTE IT.

SAVETHEFOOD.COM

SAVE THE FOOD

SAVETHEFOOD.COM

Food

- 1 - buy it with thought
- 2 - cook it with care
- 3 - serve just enough
- 4 - save what will keep
- 5 - eat what would spoil
- 6 - home-grown is best

don't waste it

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Sustainable Materials Management

Food Recovery Challenge



Changing how we think about our resources today for our children's tomorrow