January 31, 2024

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460
Docket ID No. EPA–HQ–OLEM–2022–0415

Sent via electronic submissions on the Federal e-Rulemaking Portal: www.regulations.gov

Re: Comments on the Draft National Strategy for Reducing Food Loss and Waste and Recycling Organics

To Whom It May Concern,

These comments are submitted on behalf of the Zero Food Waste Coalition in response to the EPA, USDA, and FDA's *Draft National Strategy for Reducing Food Loss and Waste and Recycling Organics* (hereinafter referred to as "the strategy"). The Zero Food Waste Coalition (ZFWC) is a coalition of organizations dedicated to informing and influencing U.S. food waste policy at the federal, state, and local levels to drive tangible progress toward the United States' goal of reducing food loss and waste by 50% by 2030.

We are thrilled to see the EPA, USDA, and FDA (hereinafter referred to as "the agencies") driving forward innovative and progressive food loss and waste policy, and we commend this draft strategy. The strategy is a step in the right direction towards achieving the national goal to halve food loss and waste and the EPA's goal to increase the recycling rate in the United States. We support the strategy's emphasis on building a more circular economy, managing food in accordance with the wasted food scale, and considering environmental justice at every step along the way. Food is a valuable resource, and the key to reducing food loss and waste is supporting actors along the supply chain in recognizing that value and internalizing the environmental, economic, and social costs associated with wasting food.

We commend all the strategic actions within the strategy. In particular, we applaud the USDA and EPA's dual commitment to developing and implementing a national food waste prevention education campaign to address consumer food waste. Nearly half of all food waste happens in our homes[1] and it will take strong national leadership and buy-in from actors across the supply chain to educate Americans about how to prevent food waste and get the most out of their food dollars. We also commend Objective 1's commitment to investing in innovative manufacturing technologies and food packaging materials that can be leveraged to prevent food loss and waste. Developing and scaling transportation

[1] *Food Waste: The Problem*, REFED, https://refed.org/food-waste/the-problem/#where_does_food_waste_occur (last visited Jan. 4, 2024).

and storage technologies is critical to the long-term sustainability of the food system and investing in these technologies now will set the United States on the right track.

We urge the agencies to consider how they can build on the actions they have already committed to take and identify new, innovative, and more aspirational actions they can take outside of existing programming to comprehensively respond to the food waste problem in the United States. In the following comments, we identify ways for the agencies to build on and add to the strategic action items listed in the current draft plan. First, this comment will provide the coalition's priority feedback on the strategy, including suggestions that crosscut the strategy's four objectives. The comment will then offer feedback for each of the four objectives and their respective strategic actions.

Priority Feedback

- **Create a whole-of-government strategy**. While the draft strategy is an excellent starting point in having the three primary food agencies (the FDA, USDA, and EPA) address food loss and waste within their programming, we encourage the White House and other federal agencies to come together for a whole-of-government strategy. One way the current draft strategy could encourage greater action by other federal agencies is to **include a commitment to continuing and building upon the Federal Interagency Collaboration to Reduce Food Loss and Waste**. The agencies should include a commitment within the strategy to expand the Collaboration's partnerships to include more, if not all, federal agencies. The agencies should assess their existing authorizations and programming for ways to address food loss and waste in their external programming, such as with the following examples:
    - The Department of State could include food loss and waste reduction as part of the United States' Nationally Determined Contribution toward the Paris Agreement and could ensure the government's alignment with the COP28 food systems declaration.
    - The Agency for International Development could increase funding for and assistance to developing countries on reducing food loss and waste, particularly to improve storage, transportation, and food recovery infrastructure.
    - The Department of Defense could commit to procuring compost (and in particular, compost developed with food scraps or food residues), for use in projects where compost is a suitable material.
    - The Department of Energy could recognize food waste reduction as a climate priority under their climate change priorities and use existing research and technology innovation to advance food waste goals.
- **Lead-by-example by committing to measure, report, and reduce food waste in the agencies' own operations**.
    - **Procurement**. Federal agencies and facilities should evaluate their operations for ways to reduce food loss and waste, such as within federal agency cafeteria operations and procurement (in addition to where the agencies procure food within their programming). The federal government, and particularly the Department of Defense, is one of the largest procurers of food and they should use that purchasing power to reduce food loss and waste where possible. The Federal Food Donation Act of 2008 already requires large procurement contracts to include food donation language, and the agencies can build upon the Act's mandate by requiring contractors to recover all wholesome, surplus food and donate it to food recovery organizations that are willing

and able to accept the food. The requirement could also require contractors to manage food in accordance with the wasted food scale, such as by collecting inedible food scraps for animal feed and composting pathways, and report on volumes of food and food scraps sent to each pathway. Agencies could further procure cosmetically imperfect foods or upcycled foods when possible (or could include a preference for such products). The agencies could also work with the General Services Administration (GSA) to strengthen and encourage the implementation of the Food Service Guidelines for Federal Facilities (FSG) across the federal government and within all federal government facilities. Finally, the agencies can take a whole of government approach within programming to address procurement and development of new market and donation channels for on-farm surplus specialty crops.

    - **Reporting**. The agencies should track, compile, and publish reports from their contractors regarding food surplus and waste that results from their food procurement activities. To the extent possible, this tracking and reporting should also be done by agencies other than the FDA, USDA, and EPA. This is particularly important for the Department of Defense given the above-mentioned volume of food they manage. The agencies could work with the Council on Environmental Quality, which already tracks and publishes several energy efficiency and sustainability data points reported by each agency, to track and publish food waste and recovery data generated by all federal agencies. The agencies and CEQ could create an annual reporting form that all federal agencies submit tracking their food loss and waste, which is then published online.
- **Commit to more extensive measurement and reporting in executing the strategy**. We agree with the strategy's recognition that there is a national data gap when it comes to food loss and waste, particularly when it comes to on-farm and supply chain food loss and waste. We appreciate the strategy's attempt to bridge this data gap across its strategic actions and objectives, and we call on the agencies to build on these actions by investing further in food loss and waste measurement and reporting. Existing data on food loss and waste is limited and often outdated, which makes the models using this data to demonstrate the scale and scope of food loss and waste across the supply chain imprecise. By investing in thorough food loss and waste measurement up-front, the agencies can improve the accuracy of food loss and waste measurement models and thereby support actors on the ground using this information, such as advocates, policymakers, and businesses. Other actions the strategy should include to improve food loss and waste data and estimation methodologies are:
    - **Include public reporting of any food waste data the agencies collect within their initiatives**. We suggest the agencies consider adding a commitment to public reporting on food loss and waste data for all their strategic actions, especially the places where the strategy mentions data collection. For example, strategic action 1(B) mentions investment in the Small Business Innovation Research (SBIR) program. The agencies should consider ways to track and report on food loss and waste associated with supply chain resiliency.
    - **Commit to public-private alignment on closing the food loss and waste data gap**. A number of tools are emerging to improve the food loss and waste data landscape. The agencies should evaluate these tools and find ways to partner with their creators to scale their use. For example, the Global Farm Loss Tool (GFLT) was developed and

recently beta tested with major food suppliers to become the standard for on-farm measurement across row and specialty crops,[2] and should be one such tool considered for public-private alignment. For growers to manage and reduce current losses and surplus, they must first measure it via user-friendly tools like the GFLT (ideally with the support of their buyers) to help develop new economically feasible solutions to utilize more of what they grow. Additionally, by collecting this data aggregating it via the GFLT, it will enable policymakers and food loss and waste focused organizations to better deliver insights, benchmarking, and solutions. A second example is the US Food Waste Pact, which has developed sector-specific food waste calculators for grocery retailers, food manufactures, and hospitality and food businesses, which the EPA and USDA can more closely promote in their Federal Interagency Food Loss and Waste Working Group and initiatives such as United States Food Loss and Waste 2030 Champions. Again, having businesses collecting data in the same way and aggregating (in this case, in the ReFED Insights Engine) will enable policymakers and food loss and waste focused organizations to better benchmark and develop policy and technical solutions.

    - **Commit to updating the Waste Reduction Model (WARM Model)**. EPA should add a strategic action to update the WARM model every time there is new relevant data.

- **Establish incentives under existing and future grant programs for applicants to develop and implement food waste plans**. The agencies should use their own funding programs as leverage to increase food loss and waste reduction by their grantees by requiring grant applicants to develop food waste plans as a condition of receiving grant funding or by offering bonus points to grant applicants that include food waste plans. Food waste plans could include a commitment by applicants to contract with food recovery organizations to recover surplus, wholesome food, and/or to track and report on their own food waste. The USDA already requires certain program participants to donate food, such as with the USDA Farmers Market,[3] which demonstrates the feasibility of implementing donation requirements. One example of a grant program primed for such a requirement is the Local Agriculture Market Program (LAMP), which provides funding to support facilities or markets where food will be produced, processed, or sold (and often where food may be wasted).[4] Requiring or promoting the development of food waste plans by LAMP applicants can help proliferate more sustainable practices for federally-funded programs.
- **Include greater emphasis on supporting food pathways beyond recycling organic waste, such as upcycled food and animal feed.** We commend that – for the most part – the strategy includes objectives and strategic actions in line with the wasted food scale. However, though animal food is mentioned under Objective 3, there are no strategic actions tailored to incentivizing the diversion of food scraps to animal feed or to upcycled human food products. Nearly 40% of all food crops are grown for animals.[5] There is an untapped opportunity to

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[2] WORLD WILDLIFE FUND, *Creating a Unified Approach to Measure Loss on Farms Globally*, https://www.worldwildlife.org/pages/creating-a-unified-approach-to-measure-loss-on-farms-globally (last visited Jan. 11, 2024).

[3] USDA, OMB. No. 0581-0229, USDA FARMERS MARKET 2019 RULES, PROCEDURES, AND OPERATING GUIDELINES 8 (2019); 7 C.F.R. § 170.12(c) (2021).

[4] *Local Agriculture Market Program*, USDA AGRIC. MARKETING SERV. https://www.ams.usda.gov/services/grants/lamp (last visited Dec. 14, 2023).

[5] Emily Cassidy et al., *Redefining agricultural yields: from tonnes to people nourished per hectare*, 8 ENVIRONMENTAL RESEARCH LETTERS 1 (May 2013).

displace traditional feeds grown from soy and corn, which are major drivers of land conversion, with animal feed derived from human food production and food surplus deemed unfit for human consumption. Upcycling food is largely ignored in the draft strategy, even though upcycling ingredients or by-products offers an opportunity to keep food in the human supply chain. The agencies should re-evaluate all the strategy's objectives for ways to fund and support animal feed and upcycling pathways, for example by:

  - **Offer guidance and model laws and regulations to improve state animal feed regulations**. The strategy should add a sub-bullet under strategic action 3(B), which is about expanding the market for products made from recycled organic waste. The strategic action should include a commitment by the FDA to, either on its own or in collaboration with the Association of American Feed Control Officials, offer guidance and model laws and regulations to improve state laws and regulations on safely and cost-effectively feeding food scraps to animals.
  - **Identify funding opportunities for upcycling businesses**. Businesses creating upcycled human food products need access to capital to scale their ability to transform food scraps into new human food products that are price competitive against traditional products for food service contracts. The agencies should identify and include in the strategy any new and existing funding opportunities that businesses creating upcycled human food products can leverage to finance their operations.

- **Provide clarifications and more specific commitments around how the agencies will promote environmental justice and equity**. We commend that the strategy includes a specific reference to meeting the needs of Tribal and environmental justice communities and promoting equity through the strategy's implementation. We encourage the agencies to identify the ways in which the agencies will ensure that the strategy's implementation will serve these target communities, including by providing more information within existing and new strategic actions in the draft strategy. For example, the strategy could include commitments to support living-wage jobs where jobs are already mentioned in the strategy, could clarify how they will support Tribal policymakers as part of its commitment in strategic action 4(B), and could include specific ways in which they will reach out to underserved communities when offering technical assistance.
- **Standardize date labels using the FDA and USDA's pre-existing authorities to prevent misleading labeling**. Strategic action 2(A) states the agencies will consider expertise from USDA and FDA on date labels for the consumer education campaign. Before developing the consumer education campaign, the agencies should standardize date labels in accordance with the dual-date labeling scheme outlined in the joint FMI (The Food Industry Association) and Consumer Brands Association's voluntary date labeling scheme and within the Food Date Labeling Act of 2023.[6] This would create a dual-date labeling scheme where if a manufacturer chooses to include a date label on their food product, they must choose either Best If Used By to indicate the product's quality or Use By to indicate the product's shelf-life. A large majority of consumers are confused about the meaning of date labels and throw away food on that mistaken belief.[7]

[6] H.R. 3159, 118th Cong. (2023).

[7] Debasmita Patra et al., *Understanding and addressing food waste from confusion in date labeling using a stakeholders' survey*, 8 J. OF AGRIC. AND FOOD RESEARCH 100295 (June 2022); Reno Neff et al., *Misunderstood food*

The FDA and USDA could standardize date labels under their authority to ensure product labels are not misleading,[8] thereby mitigating consumer confusion about date labels. Because FDA and USDA have jurisdiction over different food products—USDA has authority to regulate meat, poultry, and some egg products, while FDA has authority to regulate safety and labeling for all other food products—both agencies would need to act in coordination to ensure that labeling language is the same for all food products.

- **Create a cross-agency strategic research plan on how to use existing research authorizations to research pressing food loss and waste issues** as part of strategic action 2(E). The agencies identify that one of the challenges to reaching the national goal to halve food loss and waste is that there is no dedicated funding for food loss and waste research. We suggest that the agencies develop a strategic food loss and waste research plan that identifies all the key food loss and waste research gaps. The plan should then consider all the agencies' research authorities (ideally including the research authorities of federal agencies outside of the USDA, FDA, and EPA such as the National Science Foundation) for how they might use existing research programs and funding to tackle these research gaps. For example, the USDA could create a food waste reduction research priority within the Agriculture Food and Research Initiative (AFRI) to support work on new technologies to extend the shelf life of dairy, meat, poultry, and fish and to develop, test, and scale opportunities for new upcycled food products for human consumption and recycled food scrap products for animal feed. Similarly, funding under the Specialty Crop Research Initiative could go towards spoilage prevention technology and technology to reduce on-farm food loss. The plan could be developed with and/or implemented in partnership with the USDA's Center for Research, Behavioral Economics, and Extension on Food, Loss and Waste as mentioned in strategic action 2(F). Publicizing this research strategy will support potential research applicants in identifying and applying for existing funding and research opportunities.
- **Provide guidance to food facilities and food service establishments and other food businesses on food safety for food donations.** Food businesses often claim uncertainty about food safety rules and regulations that are necessary to follow to safely and legally donate surplus, wholesome food. Furthermore, some quality, labeling, and adulteration requirements do not affect food safety[9] and the agencies should update guidance to specify what rules need not apply to donation while still maintaining food safety. The USDA should provide guidance in the following three ways:
    - **Finalize and publish the USDA FSIS guidelines on food safety for donation based on the draft published in December 2021.** Strategic action 2(D) states that the USDA will continue to clarify guidance on food safety for food donations. The strategy should

date labels and reported food discards: A survey of U.S. consumer attitudes and behaviors, 86 WASTE MANAGEMENT 123 (Mar. 2019).

[8] 21 U.S.C. § 331(b); 21 U.S.C. § 463(a); 21 U.S.C. § 607(c), (e); 21 U.S.C. § 1043; 9 C.F.R. § 317.8.

[9] For example, the FDA's misbranding regulations include labeling requirements unrelated to food safety, such as misleading containers with too much empty space. 21 U.S.C. § 343(d); 21 C.F.R. § 100.100(a). Similarly food that is adulterated merely in the sense that it does not adhere to the standard of identity (e.g., pasta labeled as macaroni when the noodles are not requisite shape and size) should be donated. 21 C.F.R. § 130.10(c), 139.110.

specify that they will finalize the draft guidelines published by the FSIS that detail the food safety protocols for meat or poultry to be donated from FSIS-inspected facilities.[10]

- **Provide guidance to FDA-regulated entities on donating safe food that is not marketable, such as foods with labeling or other flaws.** There is no pre-existing guidance on food safety for donations for FDA-regulated facilities. FDA should develop and publish such guidance.
- **Build on amendments to the FDA Food Code by providing states with a more detailed framework for permitting the donation of foods safe for consumption irrespective of compliance with non-safety related food laws.** We commend the 2022 Food Code's clarification that food donation is allowed when food safety laws and regulations are complied with. However, to effectively encourage the safe donation of food, the FDA should further adapt the Food Code to provide states with a more detailed regulatory framework that they could adopt to make clear not only which foods are not safe for donation (making clear that anything not mentioned can be donated), but also *how* to safely donate foods and *which* packaging and labeling flaws are acceptable for donated food. A 2017 fifty-state survey of health officials found that health officials would find model requirements specific to food safety for food donation practices within the FDA Food Code to be helpful.[11]

- **Commit to allocating sufficient funding to implement the strategy.** It is not clear from the strategy that the projects and programs within are funded. We recommend the final strategy includes clear allocations of funding across its strategic actions to ensure implementation for the future.

Feedback on Objectives

Objective 1: Prevent the loss of food where possible.

Objective 1 includes commitments to reduce on-farm food loss and food loss between stages of production. We commend this objective's commitment to supporting the TEFAP Farm to Food Bank Projects, using LAMP funding to address on-farm food loss, and investing in innovative food packaging and processing technologies. We suggest adding the following commitments to this objective:

- **Dedicate part of the Composting and Food Waste Reduction (CFWR) cooperative agreement funding to food waste prevention projects**. The strategy identifies the CFWR funding as part of Objective 3, which focuses on organic waste recycling. However, the goal of the cooperative agreements is not only about increasing organic waste recycling, but also about reducing municipal food waste more broadly.[12] The USDA should embrace the food waste reduction mandate of the CFWR cooperative agreements and cultivate and fund projects aimed specifically at prevention and reduction of food waste.

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[10] *FSIS Guideline to Assist with the Donation of Eligible Meat & Poultry Products to Non-Profit Organizations December 2020*, USDA FOOD SAFETY INSPECTION SERVICE (Dec. 2020), https://www.fsis.usda.gov/guidelines/2020-0016.

[11] HARV. FOOD L. AND POL'Y CLINIC, FOOD SAFETY REGULATIONS & GUIDANCE FOR FOOD DONATIONS: A FIFTY-STATE SURVEY OF STATE PRACTICES 9–10 (Mar. 2018), https://chlpi.org/wp-content/uploads/2013/12/50-State-Food-Regs_March-2018_V2.pdf.

[12] One of the identified purposes of the CFWR cooperative agreements under the authorizing legislation is to "reduce municipal food waste." 7 U.S.C. § 6923(d)(2)(B)(vii).

- **Prioritize strategies to utilize and harvest food** before relying on strategies that plow unharvested foods back into the field. The EPA's new Wasted Food Scale properly identifies that donating and upcycling foods is preferable to leaving food unharvested in fields, yet puts harvesting back into the field on the same level as feeding food scraps to animals (which has the potential to send the wrong market signal around nascent efforts to develop new channels for surplus and maximize the harvest). To ensure the strategy is implemented in accordance with this prioritization, the EPA and USDA should include and prioritize strategic actions to ensure wholesome, surplus foods, particularly fresh fruits and vegetables, are harvested to be used in upcycled products, secondary markets, or donated whenever possible. Strategic actions to include to serve this purpose are:
    - **Take a whole of government approach to prioritize procuring surplus produce to develop new markets for surplus that does not meet market specifications for traditional retail channels (but which is perfectly edible and nutritious).** Doing so would provide critical new incentives and market pathways for producers to sell this produce (both fresh or via upcycled snacks, for example) into K-12 schools, which improve these specialty crop producers' bottom line while also helping to reduce the massive inefficiency of food loss in our supply chains (where on average 20% of all food is lost on farms). For instance, a recent WWF study on fresh strawberries on the West Coast found that nearly 40% of the harvest is being left in the field (15% of which meets current market specs and 10% of which is edible but just a bit smaller or larger than market specs). By providing growers of all sizes with a new channel to move this surplus produce, the USDA would provide these growers with the incentive to harvest more of what they grow, and help more students access nutritious fruits and vegetables in the process. The USDA should also showcase success stories of growers that have measured surplus and started to manage it through new secondary and donation channels.
    - **Publish guidance on gleaning and crop insurance, helping farmers to understand that it is legal to donate crops on which a crop insurance claim was made**. The USDA Risk Management Agency (RMA) permits and encourages farmers to donate damaged crops for gleaning purposes while still allowing farmers to receive insurance compensation for their lost crops.[13] However, few farmers take advantage of this policy because they are unaware of this RMA policy. The RMA's one-page gleaning crop fact sheet[14] has proven insufficient in addressing this knowledge gap given confusion still exists around gleaning. The USDA should develop and disseminate semi-annual information sheets and reminder notices to farmers, crop insurance agents, RMA agents, and gleaning organizations to encourage gleaning and to reduce on-farm food loss.
- **Expand USDA's research on packaging materials to include compostable packaging**. Strategic Action 2(B) mentions researching biobased and renewable sourced polymer packaging. The

[13] *Risk Management Agency Fact Sheet: Gleaning Crops*, USDA RISK MGMT. AGENCY, https://www.rma.usda.gov/en/Fact-Sheets/National-Fact-Sheets/Gleaning-Crops (Oct. 2017), [https://perma.cc/PR6Y-TKYD]. For more information, *see* HARV. FOOD L. AND POL'Y CLINIC ET AL., OPPORTUNITIES TO REDUCE FOOD WASTE IN THE 2023 FARM BILL 20–21 (April 2022), https://chlpi.org/wp-content/uploads/2022/04/2023-Farm-Bill-Food-Waste.pdf.

[14] *Risk Management Agency Fact Sheet: Gleaning Crops*, USDA RISK MGMT. AGENCY, https://www.rma.usda.gov/en/Fact-Sheets/National-Fact-Sheets/Gleaning-Crops (Oct. 2017), [https://perma.cc/PR6Y-TKYD].

agencies should expand this commitment to specifically mention research of compostable packaging and reusable food service ware. The agencies should educate consumers about how to determine whether their local composting facility is able to process such packaging. We also encourage the USDA to explore how it can promote the use of reusable and refillable packaging to replace disposable packaging where feasible.

Objective 2: Prevent the waste of food where possible.

Objective 2 includes commitments to prevent food waste. We commend this objective's commitment to a national consumer education campaign that includes date label education and leverages the school system and private businesses to further scale the campaign's impact. We suggest adding the following commitments to this objective:

- **Section A**
    - **Expand the consumer education campaign commitment in the following ways:**
        - **Partner with the private and non-profit sectors**. We applaud the agencies' commitment to launching a national consumer education and behavior change campaign, and we encourage the agencies to expand this commitment to include a greater emphasis on public-private partnerships. For example, the 2030 Champions and the US Food Waste Pact can be utilized to reinforce the agencies' message closer to the point of sale and the point of consumption. Further, the agencies should leverage the work of non-profit organizations already spearheading consumer education efforts.
        - **Invest in behavioral science**. The agencies should invest in behavioral science expertise and research to guide iterative design and implementation of a national campaign.
        - **Dedicate funding**. To further ensure the long-term viability of this strategic action, we encourage the agencies to commit to allocating a minimum of $5M per year for at least 5 years towards developing and implementing the consumer education campaign.
        - **Add information into the strategy about the EPA's STAR grant results**, particularly the project focused on low-income households that is mentioned in strategic action 2(A).
- **Section B**
    - **Work with the Department of Education in leveraging pre-existing education pathways to teach students about food loss and waste and to encourage schools to implement food waste initiatives**. Food waste in schools has long been a serious issue, with rates mirroring larger trends in consumer food waste. The agencies have an opportunity to work with the Department of Education not only to incorporate food waste education in programming, but to teach students and staff how manage food in their own operations. The agencies should work with the Department of Education to promote and share resources and curricula for educating students about food waste, including curricula tailored to different school age groups. Objective 2(B) mentions continued investment in USDA's Food and Agriculture Service Learning Program (FASLP),

which is one example of how the agencies can leverage existing educational programming to teach students about food loss and waste (along with Farm to School grants). However, not every school is equipped to purchase from local/regional growers[15] nor are smaller producers always able to compete for these school contracts strictly on price. The USDA should prioritize making these programs focused on regional specialty crop procurement more widely available and inclusive of smaller producers (especially those implementing more regenerative and sustainable practices). The USDA should also increase support of partners who can assist both specialty producers and schools with the expertise and capacity to make this transition.[16] Finally, to ensure that these new foods are consumed and not simply wasted during school lunches,[17] additional support should be provided to help schools to develop educational programs that teach students about where their food comes from, to serve it in ways that have been proven to increase consumption and reduce food waste.[18] The agencies could also find other ways to promote and highlight school food waste initiatives in partnership with the Department of Education, such as using the U.S. Department of Education Green Ribbon Schools recognition away to recognize schools that are innovating around food waste strategies.

    - **Make evidence-based best practices for reducing food waste in the national school lunch and breakfast programs mandatory**. Best practices that have proven to reduce cafeteria food waste, such as offering more entrée choices, addressing the time and length of mealtimes, and implementing offer versus serve should be required by FNS rather than suggested for consideration. FNS should also encourage schools to solicit feedback from students on their lunch options and reasons for wasting food and accordingly adjust how food is served to increase consumption. The agencies should also consider ways to support food waste audits in schools, leveraging pre-existing resources and resources.[19]

- **Section C**
    - **Commit to incentivizing the private sector to manage food in accordance with the wasted food scale**. The U.S. Food Loss and Waste 2030 Champions was a great start in building industry support for voluntarily reducing food loss and waste within their operations. However, the 2030 Champions designation does not require specific action (i.e., donating surplus food) and it also does not standardize the industry's food loss and waste data tracking and reporting. To incentivize behavior change within the private sector, the agencies should take the following two actions:

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[15] For instance, schools often purchase in pounds while growers sell in bushels. Further, grants are time-intensive and out of reach for many school districts.

[16] For example, Eat Real, Chef Ann Foundation, Elevated Foods, Planet Harvest, Upcycled Foods Association, etc.

[17] Many students in Title I schools have lower access to and will be unfamiliar with these foods.

[18] For example, using salad bars and bulk milk dispensers, pre-cutting up fruits and vegetables for elementary students, ensuring students have enough time to eat lunch, and running taste tests to gain students' buy-in before serving it at lunch.

[19] One example is the Guide to Conducting Student Food Waste Audits. *USDA, EPA, U. of Arkansas*, GUIDE TO CONDUCTING STUDENT FOOD WASTE AUDITS A RESOURCE FOR SCHOOLS (April 2017), https://doe.sd.gov/cans/documents/FoodWasteAudit.pdf.

        - **Develop a more stringent food loss and waste business certification that signals to consumers which businesses have implemented specified food loss and waste reduction initiatives.** The agencies could consider the program outlined in Senator Durbin's Reduce Food Loss and Waste bill (S.3146),[20] which would require the agencies to develop a business certification program. The USDA could also consider ways to leverage the Process Verified Program to develop a food waste business certification.[21] The EPA already publicizes a number of third-party sustainable certification programs within the EPA's Recommendations of Specifications, Standards, and Ecolabels in its definition of sustainable products and services.[22] These recommendations are likely to be included as part of the federal sustainable procurement requirements, as outlined in the Sustainable Procurement Proposed Rule.[23] Therefore, developing a food loss and waste business certification program and adding it to the EPA's Recommendations would not only help private consumers make purchasing decisions that supports sustainable food management, but also would require government purchases to do the same.[24]
        - **Include a level of the 2030 Champions that requires reporting.** Strategic action 2(C) commits to expanding the 2030 Champions. The agencies could strengthen this strategic action by creating a level of the Champions that includes more comprehensive data collection and reporting on where food loss and waste occurs within the Champions' supply chains, as well as the food loss and waste prevented through the Champions' initiatives. Including this commitment within the 2030 Champions strategic action would support the strategy's goal to close the food loss and waste data gap. Alternatively, the 2030 Champions program could provide special recognition to participants reporting to the US Food Waste Pact.
    - **Outline concrete steps for solutions testing.** Strategic action 2(C) states that "EPA and USDA will seek other opportunities to test solutions in settings such as traditional brick-and-mortar shopping settings, as well as online shopping settings." It is not clear the solutions to which the agencies plan to test, and we suggest the strategy specify those solutions, outline concrete steps, and list potential partnerships.
- **Section D**
    - **Publicize the Excess Food Opportunities Map.** The EPA should provide a brief report on the analytics of and case studies about how the Excess Food Opportunities Map is being utilized. We also encourage EPA to commit to amplifying the map further to ensure that city and state-level actors know it exists and how to use it.

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[20] S. 3146, 118th Cong. (2023).

[21] *Process Verified Program,* USDA AGRIC. MARKETING SERV., https://www.ams.usda.gov/services/auditing/process-verified-programs (last visited Jan. 16, 2024).

[22] *Recommendations of Specifications, Standards, and Ecolabels for Federal Purchasing*, ENV'T PROT. AGENCY (Aug. 1, 2023), https://www.epa.gov/greenerproducts/recommendations-specifications-standards-and-ecolabels-federal-purchasing.

[23] Federal Acquisition Regulation: Sustainable Procurement, 88 Fed. Reg. 51672, 51676 (Aug. 3, 2023) (to be codified at 28 C.F.R. pts. 1–52).

[24] In addition to developing a private business certification, we encourage the EPA to look through their

- **Ensure that food quality is incorporated in food rescue projects**. All projects aimed at increasing food rescue and donation should assess the quality, nutrition, and appropriateness of the food being rescued, not just the quantity. The agencies should include language specifying this in order to signal to readers and actors the importance of prioritizing quality and not just quantity when it comes to food donation.
- **Report on current loan and grant program utilization**. The strategy calls out FSA's Farm Storage Facility Loan Program and Rural Development's Community Facilities and Rural Energy for America Program (REAP) loan and grant programs to help fund cold storage infrastructure that helps extend shelf life. The agencies should publicize data on if these programs are being utilized for this purpose and conduct targeted outreach to ensure that specialty crop producers and smaller farms are aware of these resources and able to access them for the purposes of building or upgrading facilities to store commodities to increase the shelf life of products.
- **Expand the USDA's commitment to education around the Bill Emerson Good Samaritan Food Donation Act** in strategic action 2(D). The agencies should increase the scale of education they provide, such as by offering more in-depth guidance on the Emerson Act's protections and providing technical assistance to potential donors and food recovery organizations. The commitment to outreach should also include entities other than businesses, such as schools, producers, and other direct donors that are uniquely impacted by the Food Donation Improvement Act (FDIA). The guidance should also provide clarity on the connection between the FDIA's liability protections and the ability to donate foods and beverages purchased by the National School Lunch Program.
- **Commit to researching and analyzing food donation tax deductions and credits** when providing outreach on food donation tax incentives under strategic action 2(D). Food recovery partners of ZFWC have indicated that the federal food donation tax deduction often does not provide the intended financial incentive to potential donors to donate, rather than throw away wholesome, surplus food. For example, the benefit is less enticing to businesses operating in lower income brackets, is burdensome to claim, and does not incentivize entities such as colleges and universities. The Department of the Treasury already committed to clarifying the food donation deduction within the National Strategy on Hunger, Nutrition, and Health.[25] The USDA should work with the Department and public research institutions to determine how to improve the existing federal food donation enhanced tax deduction and how to further financially incentivize potential donors while developing this guidance.

Objective 3: Increase the recycling rate for all organic waste.

Objective 3 includes commitments to shift away from sending food to landfill by increasing organic waste recycling. We commend the agencies' commitment to continuing to leverage grant funding to scale organics recycling infrastructure, such as with USDA's Composting and Food Waste Reduction Cooperative Agreements. We also support the commitment to building educational materials to support community composting, expanding end markets for recycled organic waste, and confronting organic

[25] BIDEN-HARRIS ADMINISTRATION NATIONAL STRATEGY ON HUNGER, NUTRITION, AND HEALTH, THE WHITE HOUSE 14 (Sept. 2022).

waste contamination issues. We are thrilled to see a focus on decentralized organics recycling, as infrastructure of all sizes is necessary to address the specific demands of various communities. We suggest adding the following commitments to this objective:

- **Section A**
    - **Build upon successes of CFWR program by expanding funding for regional and state-wide projects**. We applaud the investment in the Composting and Food Waste Reduction (CFWR) cooperative agreements and encourage USDA to increase the program's impact across a broader geographic area, by finding ways to fund regional and state-wide food loss and waste initiatives.
    - **Pledge a certain percentage of grants to food waste work.** We applaud the investment in Solid Waste Infrastructure for Recycling (SWIFR) and Recycling Education and Outreach (REO) grants and encourage EPA to pledge a certain percentage, such as 50%, of the grants to support organics recycling in the future.
    - **Ensure REAP and AgSTAR technical assistance recipients are managing digestate circularly**. USDA Rural Development's REAP guarantees loans to agricultural producers and rural small businesses for renewable energy systems or to make energy efficiency improvements, including anaerobic digesters that incorporate food waste as feedstock. These loans should be provided as long as recipients also manage and treat both liquid and solid digestate to be suitable as soil amendments. Additionally, there is a question about whether manure from Concentrated Animal Feeding Operations (CAFOs) should be considered renewable feedstock and we encourage USDA to look into this further.
    - **Expand the commitment to support organics recycling infrastructure through grants to incorporate the private sector**. Many government grants exclude the private sector, yet it is critical to coordinate with the private sector to effectively build out composting and anaerobic digestion infrastructure.
- **Section B**
    - **Build demand for compost and other soil amendments (particularly those derived from food scraps)** by updating the USDA definition of compost products to encourage a broader array of buyers (e.g., farms, golf courses) to purchase compost and other similar soil amendments, developing an end product marketing campaign, and by facilitating a process to match compost and soil amendment end product generators with new buyers.[26] This commitment should be added within strategic action 3(B).
    - **Provide financial incentives to farmers to apply compost to their fields** as part of strategic action 3(B) by establishing a program similar to the Pandemic Cover Crop Program (PCCP), which offered a $5 per acre premium under crop insurance for planting cover crops. The program could provide an incentive to apply compost to farmed land.

[26] *See* NAT. RES. DEF. COUNCIL, HARV. FOOD L. AND POL'Y CLINIC, WORLD WILDLIFE FUND, *US Food Loss Waste Policy Action Plan for Congress & the Administration* 3 https://cdn.sanity.io/files/34qvzoil/production/b235a5e697650c15ea6c9d4b76cf5f49553a5f74.pdf (last visited Jan. 10, 2024).

Adding this strategic action would increase carbon sequestration in soils[27] and support compost end markets.

- **Remove the reference to mixed waste as a feedstock**. The strategy states, "USDA NIFA's Bioeconomy, Biorefining, and Biomanufacturing will continue prioritizing research projects that investigate how food waste and mixed waste can be diverted from the landfill and used as a feedstock for other bioproducts." Mixed waste is mixed garbage and should not be an eligible feedstock for any organics recycling, and waste-to-energy processes should not count as waste diversion (with limited exceptions for anaerobic digestion using source-separated feedstock and treating liquid and solid digestate for use as soil amendments).

- **Section D**
  - **Include more criteria in decision support tool:** The strategy states that EPA will create a decision support tool that identifies the best pathways for managing waste within given circumstances (e.g., geography, type of waste, facilities/ technologies available). We encourage the agencies to add additional criteria that focus on the social/health impacts, job creation, and economic benefits.
  - **Modify "waste to energy" language choice:** "Waste to energy" is more appropriately used to describe incineration, which is in the least-preferred tier of the wasted food scale - anaerobic digestion should not be referred to as "waste to energy" given that the primary benefit is returning nutrients and carbon to soil, not energy extraction (see wasted food scale and "From Field to Bin" report).
- **Other Suggestions**
  - **Update the Clean Air Act (CAA) Section 111 New Source Performance Standards and Emission Guidelines for Municipal Solid Waste Landfills.** The EPA is already required to reassess the CAA standards for municipal solid waste, and we encourage the EPA to add this commitment to the draft strategy. Doing so will ensure the strategy is a comprehensive delineation of all the actions the agencies are taking to address food loss and waste and will signal to actors working in this space the importance of addressing food waste in landfill. Food waste is the largest contributor of greenhouse gas emissions at landfills, and therefore setting emissions standards at landfills is essential to controlling and reducing the overall environmental footprint of food waste. Doing so will serve the draft strategy's goal of increasing organic waste recycling.
  - **Adjust language about recycling food into energy.** Though some energy may be extracted from food waste, the term conversion implies a 1:1 transformation. It would be more accurate to refer to this as energy extraction and to acknowledge the more important role of recycling liquid and solid digestate resulting from these processes back to soil. The primary benefit of anaerobic digestion, as reflected in the Wasted Food Scale and the "From Field to Bin" report, is in returning nutrients and carbon to soil; any energy products should be seen as secondary to that primary goal. The way the glossary refers to energy extraction is a good example: "Some organics recycling solutions also generate heat and/or biogas that can be captured and used to generate electricity

[27] *Sustainable Management of Food: Reducing the Impact of Wasted Food by Feeding the Soil and Composting*, EPA (Dec. 15, 2021), https://www.epa.gov/sustainable-management-food/reducing-impact-wasted-food-feeding-soil-and-composting [https://perma.cc/67EJ-YJB4].

and/or fuel." We encourage the agencies to modify the language in this Objective and throughout the strategy accordingly.

- **Include greater commitments to supporting animal feed and upcycling pathways**. As detailed in the first section of this comment letter, Objective 3 should include more commitments around how the agencies can fund animal feed and upcycling research, support and scale the work of businesses already operating in this space, and encourage food handlers to prioritize animal feed and upcycling pathways in accordance with their places on the Wasted Food Scale. Research needs for animal feed derived from food scraps include research on nutritional value, profiling waste product characteristics, and potential for environmental, social, and economic impact.

Objective 4: Support policies that incentivize and encourage food loss and waste prevention and organics recycling.

Objective 4 identifies ways for the agencies to support progressive and innovative food loss and waste policy at the local, state, and national level. We suggest adding the following commitments to this objective:

- **Section B**
  - **Create and maintain a database of successful state and local food waste reduction policies, as well as model policies developed by the agencies and by third-parties.** The strategy already commits to sharing climate action plans within strategic action 4(B). The agencies should expand this commitment's scope to other state and local food loss and waste enacted and model policies. Model policy toolkits and resources could include the Zero Food Waste Coalition's State Policy Toolkit[28] and the Natural Resources Defense Council and Environmental Law Institute's Model Ordinance on Pay-As-You-Throw Programs,[29] Model Compost Procurement Policy,[30] Model Ordinance on Mandatory Reporting for Large Food Waste Generators,[31] and Model Executive Order on Municipal Leadership on Food Waste Reduction.[32]

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[28] ZERO FOOD WASTE COALITION, https://zerofoodwastecoalition.org/state-toolkit/ (last visited Dec. 14, 2023).

[29] NAT. RES. DEF. COUNCIL, MODEL ORDINANCE ESTABLISHING A PAY-AS-YOU-THROW PROGRAM FOR RESIDENTIAL MUNICIPAL SOLID WASTE: WITH AND WITHOUT COMMENTARIES (Nov. 16, 2023), https://www.nrdc.org/resources/model-ordinance-establishing-pay-you-throw-program-residential-municipal-solid-waste.

[30] NAT. RES. DEF. COUNCIL, MODEL COMPOST PROCUREMENT POLICY: WITH AND WITHOUT COMMENTARIES (July 20, 2021), https://www.nrdc.org/resources/model-compost-procurement-policy-and-without-commentaries.

[31] NAT. RES. DEF. COUNCIL, MODEL ORDINANCE ON MANDATORY REPORTING FOR LARGE FOOD WASTE GENERATORS: WITH AND WITHOUT COMMENTARIES (July 12, 2022), https://www.nrdc.org/resources/model-ordinance-mandatory-reporting-large-food-waste-generators-and-without-commentaries#:~:text=This%20model%20ordinance%2C%20created%20by,and%20surplus%20food%20they%20generate.

[32] NAT. RES. DEF. COUNCIL, MODEL EXECUTIVE ORDER ON MUNICIPAL LEADERSHIP ON FOOD WASTE REDUCTION: WITH AND WITHOUT COMMENTARIES (June 1, 2023), https://www.nrdc.org/resources/model-executive-order-municipal-leadership-food-waste-reduction-and-without-commentaries#:~:text=To%20help%20address%20this%20waste,programs%20within%20and%20across%20city.

    - **Create guidance and offer technical assistance for state reporting of food waste**, including strategies to aggregate, anonymize, and publicly report monthly or quarterly waste generation data through centralized databases such as the ReFED Insights Engine. This commitment should be included under strategic action 4(B) around supporting governmental policymakers in building circular economies.
- **Other Suggestions**
    - **Utilize Inflation Reduction Act funding to support state and local food loss and waste policy development and implementation.** To ensure successful food waste reduction infrastructure, a strong planning effort is required though costly. The strategy already commits to sharing climate action plans that contain actions to reduce food loss and waste. The strategy should build on this recommendation by committing funding under the Inflation Reduction Act, both through the Climate Pollution Reduction Grants and the Greenhouse Gas Reduction Fund, to food loss and waste policy action planning and implementation.[33] This funding should go to state and local actors implementing and scaling food loss and waste policies and initiatives, such as organic waste bans and food donation requirements. The EPA should commit to using Inflation Reduction Act funding to support state and local policymakers and regulators in implementing their food waste initiatives contained within climate action plans.

The Zero Food Waste Coalition is glad to see the agencies taking the necessary next steps to achieve the national goal to halve food loss and waste by 2030. We encourage the agencies to utilize the stakeholder knowledge of the ZFWC to effectively implement the strategy. The ZFWC is a national network of food loss and waste stakeholders, and we are ready to be leveraged by the agencies as subject matter experts and to develop and disseminate information on food loss and waste research and solutions.

Thank you for your consideration of ZFWC's comments and recommendations.

Sincerely,

The Zero Food Waste Coalition

Policy positions taken by the Zero Food Waste Coalition and any of its committees are not necessarily reflective of the positions or opinions of all of its members.

[33] *Tackling Climate Pollution*, EPA (Sept. 28, 2023), https://www.epa.gov/inflation-reduction-act/tackling-climate-pollution; *Greenhouse Gas Reduction Fund*, EPA (Nov. 8, 2023), https://www.epa.gov/greenhouse-gas-reduction-fund.