

A Look at California Food Waste Policy

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Founded in 1977, **Californians Against Waste** is a non-profit environmental research and advocacy organization that identifies, develops, promotes, and monitors policy solutions to pollution and conservation problems posing a threat to public health and the environment.



SB 1383 (Lara)

Short-Lived Climate Pollutants (aka “Super Pollutants”)

THE SUPER POLLUTANT
REDUCTION ACT SENT TO
GOVERNOR JERRY BROWN!



Black Carbon



50%



Methane



40%



HFC- Gases



40%

BY 2030

#ActOnClimate #SB1383

@SENRICARDOLARA

SB 1383 (Lara)

Short-Lived Climate Pollutants (aka “Super Pollutants”)

75%

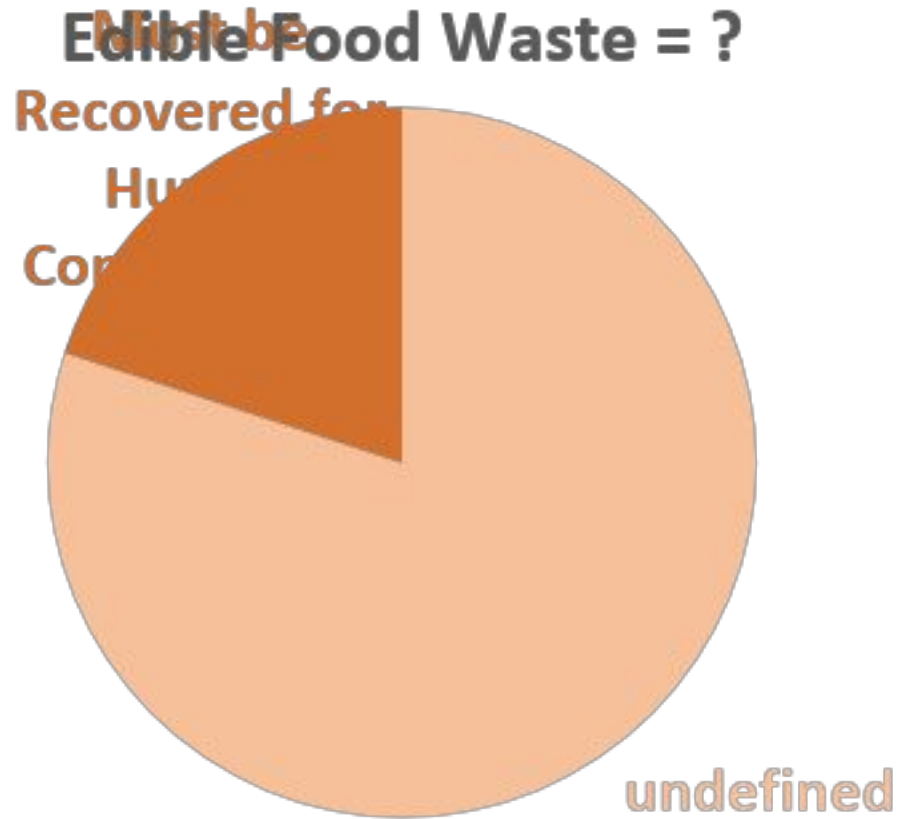
reduction in statewide
disposal of organic waste
(from the 2014 level) by
2025

20%

of edible food that is
currently disposed of is
recovered for human
consumption by 2025

SB 1383 (LARA) - 2025 TARGETS

20% Food Recovery



Sign Up for Updates:
calrecycle.ca.gov/Climate/SLCP

Opportunities



Challenges



Recent Food Waste Bills

AB 1219 (Eggman) CA Good Samaritan Food Donation Act

Strengthens protections for food donors to reduce fear of liability, which is still a major barrier to food donation.

SEPTEMBER 2016
FV-16-08-C

FACT SHEET

RECOMMENDATIONS TO STRENGTHEN THE BILL EMERSON GOOD SAMARITAN ACT

Food donation provides a critical link between organizations with wholesome, surplus foods and the 42 million Americans who are food insecure today. Unfortunately, many food manufacturers, retailers, and restaurants cite fear of liability as a primary deterrent to donating food. A 2016 survey by the Food Waste Reduction Alliance, a joint food industry task force, found that 44 percent of manufacturers, 41 percent of restaurants, and 25 percent of retailers identified liability concerns as a barrier to donation.¹ There are strong federal and state liability protections for food donations, but some small changes could help extend and strengthen those protections.

THE EMERSON ACT

In 1996, Congress passed the Bill Emerson Good Samaritan Food Donation Act (Emerson Act), which provides a federal floor of civil and criminal liability protection to food donors and nonprofit organizations that receive food donations and distribute those donations to those in need.² The Emerson Act protects a broad range of food donors, including individuals, businesses, and government entities, as well as gleaners (an individual or entity that harvests donated agricultural crops) and food recovery organizations. The Emerson Act protects donors and nonprofit recipients from civil and criminal liability for injury caused by the donated food unless either acts with gross negligence or intentional misconduct. Donors and distributors must meet the following four requirements to receive protection under the Act:

1. The food must be donated to a nonprofit organization in good faith.
2. The food must meet all federal, state, and local quality and labeling requirements; if all quality and labeling requirements are not met, the food must be reconditioned to meet all quality and labeling requirements before it can be donated.
3. The donated food must be distributed by the receiving nonprofit to needy individuals.
4. The needy individuals receiving the food may not pay for it.

This broad base of liability protection was intended to encourage food donations, yet donors are often unaware of it. Further, several provisions in the Act should be broadened to better align with the current food recovery landscape. Clarifying the Emerson Act's coverage and expanding its protections, as described below, can boost more food donations. Most of our suggestions would require Congressional action to modify the Act's language. However, a federal agency can take action immediately to clarify the Emerson Act by providing interpretive guidance.

1. AN EXECUTIVE AGENCY SHOULD BE RESPONSIBLE FOR IMPLEMENTING AND INTERPRETING THE EMERSON ACT

Unlike many statutes which delegate power to an agency to interpret and enforce them, Congress never assigned the Emerson Act to a particular federal agency for interpretation and enforcement. Thus, no agency is responsible for providing federal guidance or raising awareness of the Act. Further, the Emerson Act has not been challenged in court, so there are no judicial interpretations of it. Given the dearth of judicial or administrative interpretations, potential donors can only refer to the 1996 statutory language to determine whether or not they are protected. As a result, donors do not know how to interpret some of the Act's more ambiguous terms, such as "apparently wholesome," "needy individual," and "gross negligence" and are unclear on the Act's requirements.


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www.nrdc.org/policy
www.chpl.org/fpc
www.facebook.com/nrdc.org
www.twitter.com/nrdc

AB 1219

California Good Samaritan Food Donation Act

Changed existing standards

- From “negligence or a willful act” to “gross negligence or intentional misconduct”
- “Good faith evaluation  that food is wholesome”

Clarified what is protected

- Past the sell-by date
- Donations made directly to end-users
- Gleaners and schools

Created new education & outreach program

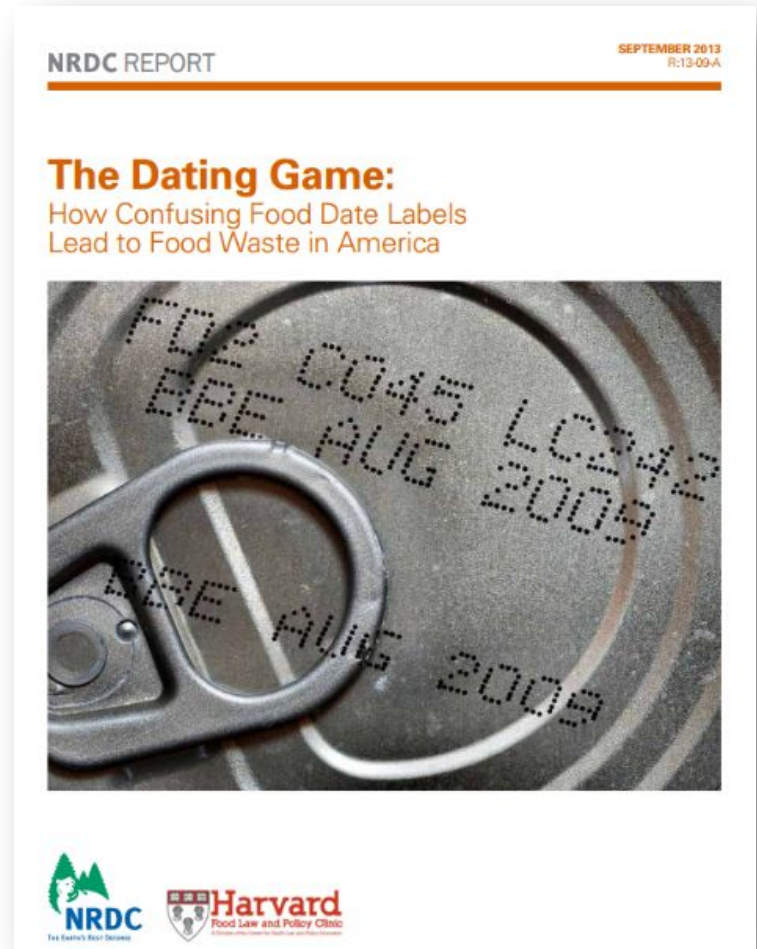
- Health inspectors required to promote donation and educate donors on Good Samaritan protections in course of regular activity

Recent Food Waste Bills

AB 954 (Chiu)

Uniform Food Date Labels

Promote the adoption of uniform date label phrasing to reduce consumer confusion.



Recent Food Waste Bills

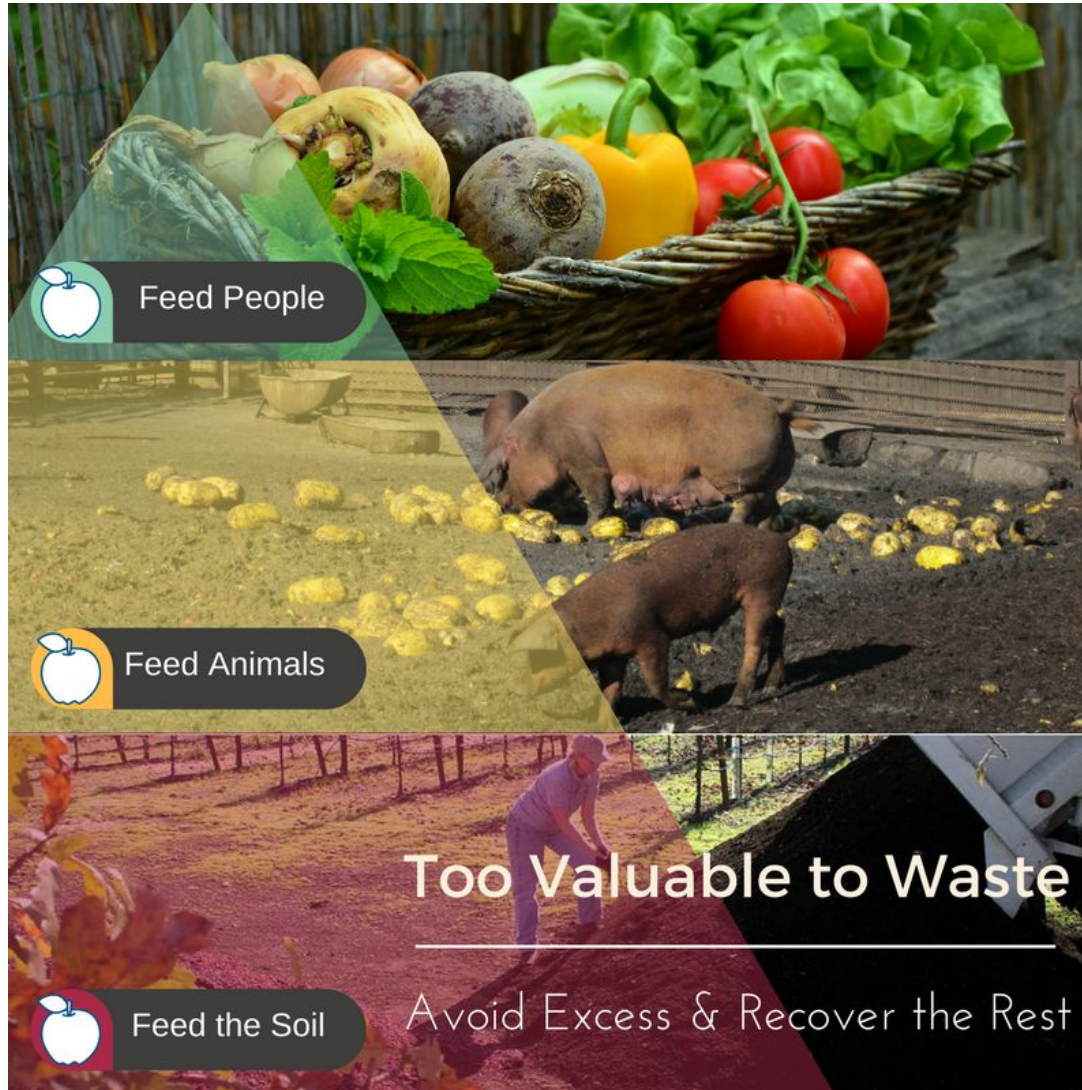
SB 557 (Hernandez) Donation of Food from School Share Tables

Updates Ca Education Code to allow schools to donate food items to food banks that have been served and placed on share tables.

(Sponsored by LAUSD)



Feeding People First (Reduce & Reuse, *then* Recycle)





AB 1826 (Wes Chesbro, 2014)

Requires **businesses** to recycle or donate their organic waste

AB 1826 Generator Timeline

April 2016 – 8 Cubic Yards Organic Waste



Jan 2017 – 4 Cubic Yards Organic Waste



Jan 2019 – 4 Cubic Yards Solid Waste
(All AB 341 Businesses)



> Jan 2020 – 2 Cubic Yards Solid Waste
(CalRecycle Determination)





Subscribe to separate collection service



Self-haul to a recycler or recycle on site



Mixed-waste processing that targets organics



Sell or donate

California Climate Investments

AKA “Cap-and-Trade Funding” / “Greenhouse Gas Reduction Funds”

CalRecycle Funding	'14 - '15	'15 - '16	'16 - '17	'17-'18	'18-'19
Governor's Proposal	\$30	\$60	\$100	-	\$20
Assembly Proposal	\$30	\$75	\$100	-	\$40
Senate Proposal	\$5	\$10	\$50	-	\$20
Final Allocated	\$25	\$5	\$40	\$40	\$25

2017/2018 Funding

Organics Grants	\$33.5 Million
Food Waste Prevention	\$4.4 Million
Recycled Manufacturing (Glass, Fiber, Plastic)	\$0
Admin	\$2 Million
CalRecycle Total	\$40 Million

California Climate Investments

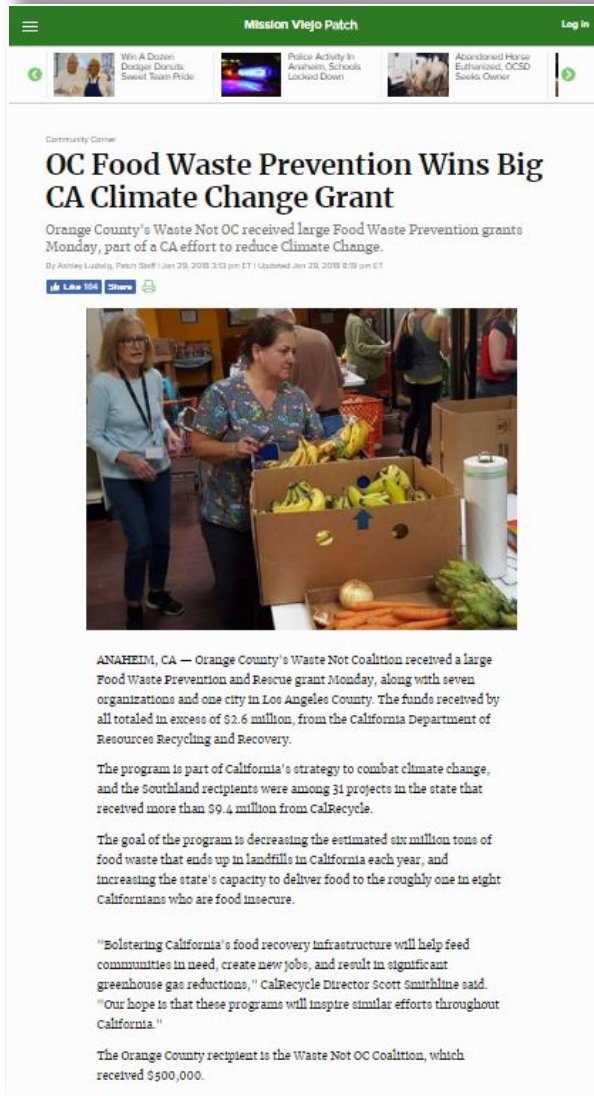
Two Sources of Funding for Food Recovery

2017/18 Cycle

\$33.5 million for organics recycling projects.

- Extra points for partnering with food recovery orgs.

\$4.4 million directly for food recovery.





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