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3 Title: Address Food Waste through Food Rescue and Donation
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5 Introduced by: Seth Moffatt for the Medical Student Section
6
7 Original Authors: David Lee and Katie Nguyen
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9 Referred to: Reference Committee D
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11 House Action: **APPROVED**
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13
14 Whereas, the average American discards over \$500 a year in foods and beverages they
15 purchased and did not consume¹, and
16

17 Whereas, a restaurant discards as much as 10 percent of food prepared and generates on
18 average 3,000 pounds of food waste per employee annually^{2,3}, and
19

20 Whereas, the Environmental Protection Agency (EPA) reported that 40 percent of food
21 produced within the United States is discarded, comprises over 21 percent of waste sent to landfills or
22 incinerators, and costs over \$1.3 billion to dispose of⁴, and
23

24 Whereas, food waste makes up the single largest category of waste entering landfills,
25 comprises roughly 11 percent of total greenhouse gas emissions, and as a consequence, makes
26 landfills the third largest source of methane in the country^{5,6}, and
27

28 Whereas, a 2011 study estimated annual greenhouse gas emissions from food waste equated
29 to the emissions of roughly 33 million passenger vehicles⁷, and
30

31 Whereas, the United States Department of Agriculture (USDA) estimated that in 2010, 133
32 billion pounds of food worth roughly \$161 billion went unconsumed⁴, and
33

34 Whereas, the Food and Agriculture Organization of the United Nations estimated in 2011 that
35 "roughly one-third of food produced for human consumption is lost or wasted globally"⁸, and
36

37 Whereas, achieving a 20 percent reduction in annual edible food waste translates into an
38 additional 30 billion pounds of edible food per year available for human consumption⁹, and
39

40 Whereas, in 2015, the EPA and the USDA issued a call to action at their 2015 Food Recovery
41 Summit to reduce food loss and waste by 50 percent by the year 2030¹⁰, and
42

43 Whereas, the United Nations resolved to halve by 2030 "per capita global food waste at the
44 retail and consumer levels and reduce food losses along production and supply chains, including post-
45 harvest losses,"¹¹ and
46

47 Whereas, edible food loss incurs human health costs due to lost calories and nutrients that
48 could have been consumed by the hungry as well as opportunity costs from the natural resources,
49 manpower, and infrastructure invested in the production of that food^{9,12,13}, and
50

51 Whereas, a recent study estimated food waste annually accounts for more than 25 percent of
52 total freshwater and 300 million barrels of oil consumed¹⁴, and

53 Whereas, Michigan offers soil carbon credits for landfill diversion and composting food scraps
54 and yet, it currently lacks an equivalent incentive for individuals and small businesses in reducing food
55 waste that would then be subsequently either composted or landfilled^{15,16}, and
56

57 Whereas, food rescue is described as the “practice of diverting edible food that would have
58 been thrown out and redistributing this to those in need or those who are food insecure,”¹⁷ and
59

60 Whereas, charitable organizations often rely on partnerships with farmers, food enterprises,
61 and other entities to rescue food, combat hunger, and alleviate food insecurity⁹, and
62

63 Whereas, while the EPA’s Food Recovery Hierarchy prioritizes utilizing food rescue to feed the
64 hungry, the total amount of edible food currently rescued is still less than 2 percent^{9,18}, and
65

66 Whereas, AMA policies H-135.938 and H-135.939 showcase the AMA’s support for community
67 programs aimed at furthering sustainable means of waste reduction and for healthcare professionals
68 to partner with community members in realizing similar initiatives; and
69

70 Whereas, H.R. 2428, The Bill Emerson Good Samaritan Act of 1996, was passed to encourage
71 food donations through liability protection for food donors and non-profit organizations, and to
72 resolve confusion on liability for food recovery and donation operations^{19,20}, and
73

74 Whereas, no federal agency has been tasked with publicizing the Emerson Act and, as a
75 consequence, community awareness regarding protections provided is often limited^{21,22}, and
76

77 Whereas, while the Federal Food Donation Act of 2008 expanded Emerson Act protections to
78 federal agencies and their affiliates to encourage donation of excess food to non-profit organizations,
79 they are not required to do so and are not required to keep track of donations²³, and
80

81 Whereas, in 2017, H.R. 952, H.R. 3444, and S.1680 were introduced to provide the USDA with
82 oversight and enforcement of the Emerson Act, extend protection to donors who donate food directly
83 to needy individuals, and expand Emerson Act protections to include foods previously mislabeled in
84 ways not directly impacting food safety^{19,24,25,26}, and
85

86 Whereas, those interested in donating excess food have cited difficulties in participation from
87 fear of liability and negative press coverage to cost and logistical difficulties in transporting donations
88 to reduction or elimination of tax incentives^{3,22,27,28,29,30}; therefore be it
89

90 RESOLVED: That MSMS work with appropriate stakeholders to advocate for legislation to
91 promote increased food rescue and donation; and be it further; and be it further
92

93 RESOLVED: That MSMS work with appropriate stakeholders to advocate for increased
94 awareness of policies and regulations pertaining to and supporting food rescue and donation; and be
95 it further; and be it further
96

97 RESOLVED: That MSMS encourage vendors and relevant third parties to prioritize and practice
98 sustainability and mitigate food waste through food donation.
99

100 WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE
101

Relevant MSMS Policy:

Enhancing Public Safety Relation to the Food Industry

MSMS supports, where appropriate, Michigan-based community health initiatives or educational programs that promote public awareness of food safety and the source of food products available to consumers. (Res36-10A)

¹ Buzby J, Wells H, Aulakh J. Food Loss—Questions About the Amount and Causes Still Remain. USDA Economic Research Service. <https://www.ers.usda.gov/amber-waves/2014/june/food-loss-questions-about-the-amount-and-causes-still-remain/>. Published 2014.

² Environmental Protection Agency. Prevent Food Waste It Makes Dollars and Sense. 2012:1-4.

³ Phillips C, Hoenigman R, Higbee B, Reed T. Understanding the sustainability of retail food recovery. PLoS One. 2013;8(10):e75530. doi:10.1371/journal.pone.0075530.

⁴ United States Department of Agriculture. The Estimated Amount, Value, and Calories of Postharvest Food Losses at the Retail and Consumer Levels in the United States. 2014;(121):39. doi:10.2139/ssrn.2501659.

⁵ Environmental Protection Agency. U.S. Greenhouse Gas Inventory Report: 1990-2014.

<https://www.epa.gov/ghgemissions/us-greenhouse-gas-inventory-report-1990-2014>. Published 2016.

⁶ Environmental Protection Agency. National-level US Greenhouse Gas Inventory: Fast Facts 1990–2014. 2016;(April):2-4. https://www.epa.gov/sites/production/files/2016-06/documents/us_ghg_inv_fastfacts2016.pdf.

⁷ Heller MC, Keoleian GA. Greenhouse Gas Emission Estimates of U.S. Dietary Choices and Food Loss. J Ind Ecol. 2015;19(3):391-401. doi:10.1111/jiec.12174.

⁸ Food and Agriculture Organization of the United Nations. Global Food Losses and Food Waste.; 2011. <http://www.fao.org/docrep/014/mb060e/mb060e00.pdf>.

⁹ Dou Z, Ferguson JD, Galligan DT, Kelly AM, Finn SM, Giegengack R. Assessing U.S. food wastage and opportunities for reduction. Glob Food Sec. 2016;8:19-26. doi:10.1016/j.gfs.2016.02.001.

¹⁰ Environmental Protection Agency. United States 2030 Food Loss and Waste Reduction Goal. 2017:1-2.

¹¹ United Nations. Transforming Our World: The 2030 Agenda for Sustainable Development. Gen Assem 70 Sess. 2015:1-35. doi:10.1007/s13398-014-0173-7-2.

¹² Reich A, Foley J. Food Loss and Waste in the US: The Science Behind the Supply Chain.; 2014.

<https://www.foodpolicy.umn.edu/policy-summaries-and-analyses/food-loss-and-waste-us-science-behind-supply-chain>.

¹³ Nesheim MC, Oria M, Yih P. A Framework for Assessing the Effects of the Food System.; 2015. doi:10.17226/18846.

¹⁴ Hall KD, Guo J, Dore M, Chow CC. The progressive increase of food waste in America and its environmental impact. PLoS One. 2009;4(11):9-14. doi:10.1371/journal.pone.0007940.

¹⁵ Brown S. Food - The Final Frontier. https://www.michigan.gov/documents/deq/deq-oea-tou-SustainabilityWebinar-FoodRecovery_535660_7.pdf.

¹⁶ Michigan Lawmakers Mull Tax Credits for Charitable Donations. US News. <https://www.usnews.com/news/best-states/michigan/articles/2017-05-28/michigan-lawmakers-mull-tax-credits-for-charitable-donations>. Published 2017.

¹⁷ Reynolds CJ, Piantadosi J, Boland J. Rescuing food from the organics waste stream to feed the food insecure: An economic and environmental assessment of Australian food rescue operations using environmentally extended waste input-output analysis. Sustain. 2015;7(4):4707-4726. doi:10.3390/su7044707.

¹⁸ Environmental Protection Agency. Food Recovery Hierarchy. <https://www.epa.gov/sustainable-management-food/food-recovery-hierarchy>.

¹⁹ Office of Congresswoman Marcia Fudge. The Food Donation Act of 2017 Fact Sheet. Office of Congresswoman Marcia Fudge. [https://fudge.house.gov/uploads/food donation \(2\).pdf](https://fudge.house.gov/uploads/food%20donation%20(2).pdf). Published 2017.

²⁰ Clinton W. Statement on Signing the Bill Emerson Good Samaritan Food Donation Act. The American Presidency Project. <http://www.presidency.ucsb.edu/ws/?pid=52031>. Published 1996.

²¹ Leib E, Rice C, Berkenkamp J, Gunders D. Don't Waste, Donate: Enhancing Food Donations through Federal Policy. Harvard Law School Food Law and Policy Clinic. http://www.chlpi.org/wp-content/uploads/2013/12/Dont-Waste-Donate_March-2017.pdf. Published 2017.

²² Haley J. The Legal Guide to the Bill Emerson Good Samaritan Food Donation Act. Arkansas Law Notes.

<http://media.law.uark.edu/arklawnotes/2013/08/08/the-legal-guide-to-the-bill-emerson-good-samaritan-food-donation-act/>. Published 2013.

²³ Schumer C. Federal Food Donation Act of 2008.; 2008. <https://www.congress.gov/110/plaws/publ247/PLAW-110publ247.pdf>.

²⁴ Fudge M. The Food Donation Act of 2017.; 2017. [https://fudge.house.gov/uploads/The Food Donation Act of 2017.pdf](https://fudge.house.gov/uploads/The%20Food%20Donation%20Act%20of%202017.pdf).

²⁵ Pingree C. H.R. 3444 Food Recovery Act of 2017.; 2017. <https://www.congress.gov/bill/115th-congress/house-bill/3444/text>.

²⁶ Blumenthal R. S. 1680 Food Recovery Act of 2017.; 2017. <https://www.congress.gov/bill/115th-congress/senate-bill/1680/text>.

²⁷ Bloom J. American Wasteland: How America Throws Away Nearly Half of Its Food (And What We Can Do about It).; 2011.

²⁸ Food Waste Reduction Alliance. Analysis of U.S. Food Waste Among Manufacturers, Retailers, and Restaurants. 2016.

²⁹ Jacobs H. Here's Why Wasted Food Doesn't Get to Poor People. Business Insider. <http://www.businessinsider.com/why-dont-some-grocery-stores-donate-food-to-poor-people-2014-10>. Published 2014.

³⁰ Lunsford M. Despite law, restaurants still don't donate food. USA Today. <https://www.usatoday.com/story/news/nation-now/2015/11/23/despite-law-restaurants-still-dont-donate-food/76286144/#>. Published 2015.