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REPORT

MID-ATLANTIC FOOD WASTE POLICY GAP ANALYSIS AND INVENTORY

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Glossary of Terms

Food rescue. This term refers to donation or recovery of surplus food for feeding hungry people.

Food waste reduction. This term encompasses all tiers of the food recovery hierarchy: prevention, donation, animal feed, composting, and anaerobic digestion.

Source-separated organics (SSO). This term references organic material separated for processing and may encompass food scraps as well as yard waste.

GAP ANALYSIS COLOR CODING

No Policy
Weak Policy
Moderate Policy
Strong Policy

Introduction

This report comprises a gap analysis and detailed inventory of food waste–related policies in Maryland, New Jersey, Pennsylvania, and Washington, D.C. Whereas the inventory provides an overview of existing state policies, the gap analysis identifies policy opportunities for furthering food waste reduction. Categories were chosen to represent areas across the food recovery hierarchy and include: organics disposal bans and recycling laws; date labeling; food donation liability protections; tax incentives for food rescue; organics processing infrastructure permitting; food safety policies for share tables; food systems plans, goals, and targets; plans targeting solid waste; climate action goals; and grants and incentive programs related to food waste reduction. The goal of this report is to equip NRDC Food Matters city partners with a comprehensive overview of their state's respective policy lands cape and how it helps and/or hinders efforts to reduce food waste.

Each state's gap analysis can be read as a summary digest of the more detailed policy inventory. This section serves to highlight particularly strong policies that can be leveraged to further a city's food waste reduction goals, as well as advocacy opportunities where policies are weak or nonexistent. The inventories provide a more comprehensive overview of any policies, executive orders, goals, targets, or programs that exist across the ten covered categories. Users may choose to read the gap analysis to gain a basic understanding of their state's policy landscape and then reference the inventory for detailed information.

Policy Gap Analysis Approach and Applications

To provide a consistent and objective analysis, policy categories were assessed using a rubric that defines "No Policy," "Weak Policy," "Moderate Policy," and "Strong Policy" for each category. Below is the rationale and definition for each tier of the rubric for the ten policy categories, as well as examples of policies in practice for select categories. For full rubric, see Food Waste Reduction Policy Gap Analysis Rubric.

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

Organics disposal bans and mandatory recycling laws are an effective means of achieving food waste reduction, including via prevention and other strategies across the hierarchy. By limiting the amount of organic waste that entities can dispose of in landfills or incinerators, organics disposal bans and waste recycling laws compel food waste generators to explore more sustainable practices like waste prevention, donation, composting, and anaerobic digestion (AD). A Strong Policy applies to all commercial generators (and possibly individuals at the household level) and is actively enforced. A Moderate Policy is similarly enforced but imposed only on select commercial generators, and Weak Policies are ones that provide several exemptions from the law's applicability, such as exemptions based on distance from a processing facility or the cost of processing. It is quite common for states to start with a Weak Policy and gradually strengthen it as the marketplace evolves and impacted stakeholders are educated and gain the resources to comply.

Policy in Action

Disposal bans and mandatory recycling laws have received a lot of attention in recent years as an increasing number of states and localities have adopted this policy approach. In many cases, other actions were taken in the years leading up to the legislation or regulation that enabled it to get political and practical traction. For example, in Massachusetts, one of the first states to ban food waste, the state made incremental changes during the years before the ban's effective date, including:

- Modernizing the permitting structure for composting and AD facilities;
- Investing in infrastructure through grants and low-interest loan programs;
- Providing regulatory relief from other waste bans if supermarkets diverted food waste through an innovative partnership with the Massachusetts Food Association called the Supermarket Recycling Program Certification; and
- Developing RecyclingWorks in Massachusetts, a no-cost technical assistance program to help businesses comply.

New York State has taken similar steps by providing grants for infrastructure, supporting food donation networks, and establishing business assistance in advance of its legislation. New York is also an example of a state where a major city (New York City) enacted a waste ban ahead of the statewide law.

Bans and Beyond: Designing and Implementing Organic Waste Bans and Mandatory Organics Recycling Laws, a resource produced by the Harvard Food Law and Policy Clinic and the Center for EcoTechnology, provides further detail on these policies, including their development and structure, for cities and states that are considering this policy option.[1]

Policies in the Mid-Atlantic Region

Three locales in the Mid-Atlantic region have policies that address food waste through this strategy. New Jersey was the first state to implement an organics waste ban in the region, laying the groundwork for others to follow. Washington, D.C., passed a Zero Waste Omnibus Amendment Act that requires some entities to source-separate back-of-house commercial food waste. As part of the preparation for passing the policy, the District's Department of Public Works (DPW) first hired a consulting firm to assess the feasibility of composting. The firm concluded that rolling out a compost collection program over a five-year period would be sufficient time to develop infrastructure. In Maryland, the most recent state in this region to adopt organics recycling legislation in this category, the legislature passed a policy in April 2021 that became law in May 2021.

DATE LABELING

Date labels affixed to food products are a major driver of food waste and an obstacle to food donation. There is currently no federal system regulating the use of date labels such as "sell by," "best by," and "use by" on foods. Instead, each state individually decides whether and how to regulate date labels. Manufacturers often have broad discretion over how the dates on foods are selected. These dates typically reflect quality and taste rather than safety, yet businesses, individuals, and even state regulators frequently misunderstand the dates and interpret them to be indicators of when food is no longer safe to eat.

Standardization of date labeling is a cost-effective solution to food waste. By educating consumers about the meaning of date labels on products sold within the state and eliminating bans on the donation or sale of past-date foods, states can make date labels comprehensible to consumers and avoid the systematized waste of safe and wholesome foods. A Strong Policy requires that manufacturers or retailers who choose to affix date labels to foods use one of two prescribed date labels, a quality label or a safety label. In addition, a Strong Policy expressly permits the donation of food after the quality date. A Moderate Policy requires date labels for certain foods but does not prohibit or limit the sale or donation of food after its label date. A Weak Policy—and potentially a detrimental one—requires date labels for certain foods and prohibits or limits the sale or donation of food after its label date. Federal guidance recommends the use of the phrase "BEST If Used By" to indicate a food's quality. Federal legislative proposals as well as industry efforts have recommended the same, and further recommend the phrase "USE By" to indicate safety concerns. States should align their standards with these efforts.

Policy in Action

Many states have conflicting or unnecessarily restrictive date labeling requirements. With a lack of clear guidelines, food manufacturers and processors have largely created their own labeling schemes. In some cases, decisions on how these dates are determined can be driven by business interests, and the labels often have a wide range of wording that increases confusion. Further, even where state date labeling regulations exist, they often are not based on science-backed food safety concerns. As a result, consumers or businesses often dispose of food when it reaches the label date, even though it may be safe to eat. Thus, date labels are an important part of any policy strategy to prevent food waste, and one that cities can encourage states to pursue. Until federal legislation or regulations standardizing date labels are adopted, states can remove problematic components of their own date labeling policies using guidelines recommended in this analysis, and even help pave the way for federal standardization.

FOOD DONATION LIABILITY PROTECTIONS

Restaurants, retailers, and other food businesses are often hesitant to donate food because they fear being held liable for harm caused by the donated food. While the federal Bill Emerson Good Samaritan Food Donation Act provides robust liability protection for both food donors and food rescue organizations, state liability protections can strengthen this and encourage food donation by further reducing liability risks for those participating in food rescue. A Strong Policy provides liability protection for donations directly to individuals, allowing restaurants and food service organizations to donate

small amounts of food that may be cost-prohibitive to transport or store; it also offers protection for donations supplied to the final consumer for a small fee, thereby extending protection to innovative food rescue models like social supermarkets. A Moderate Policy is broader than federal-level protections and may provide protections for donations directly to individuals or donations made for a small fee. A Weak Policy provides protections that are no broader than federal-level ones, or only protects one party, such as the donor or food rescue organization.

Tools to Support Policy

Legal fact sheets or guidance documents can serve as a beneficial tool in communicating legal protections and considerations for potential donors. These documents can relay legal language using easily understood terms that help clarify requirements for protection to apply and alleviate concerns related to donation. The Harvard Law School Food Law and Policy Clinic has created many state-specific food donation fact sheets (including on the topic of liability protection for food donation) and a number of other useful documents; these can be found in the organization's online resource library.

TAX INCENTIVES FOR FOOD RESCUE

Donating food can be expensive, because it requires money to harvest, package, store, and transport food that would otherwise be discarded. Tax credits or deductions can help offset those expenses and offer an economic incentive for food donations. A federal tax incentive exists, but certain businesses struggle to utilize it. State-level tax incentives for food donation can help support the agricultural economy and food producers, strengthen ties between local businesses and consumers, reduce the amount of wasted food, and improve the healthy options available to state residents who use emergency food outlets. A Strong Policy is one in which tax deductions or credits fully offset the costs associated with food donation, including transportation. A Moderate Policy provides a tax incentive for food donation, but the incentive does not fully offset the associated costs.

Policy in Action

States and cities may issue tax incentives that help promote food rescue. None of the 12 states or jurisdictions reviewed in the Mid-Atlantic, Southeast, or Great Lakes regions have a Strong Policy designation in this category. However, Philadelphia provides an example of a policy enacted at the local level that helps to incentivize food donation. The city implemented a sustainable business tax incentive that allows businesses who meet certain sustainability criteria—including participating in food donation—to receive a tax credit of up to $4,000 on the Business Income & Receipts Tax (BIRT). As another example, Maryland, a state with a Moderate Policy in this category, offers a tax credit only for food donation by qualifying farms and farm businesses. These businesses can claim up to 50 percent of the value of the donation for conventional products, and up to 75 percent of the value of certified organic produce donations to charitable organizations.

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

Strong processing infrastructure policies actively facilitate the development and permitting of organic waste processing facilities—including both composting and anaerobic digestion facilities and small-scale composting operations—and are in sync with current best practices for organics processing. A Strong Policy includes a regulatory tier for source-separated organics (SSO) and provides opportunities for market development. Further, a Strong Policy minimizes barriers to entry, is aligned with best management practices for composting SSO, and offers a separate permitting process for anaerobic digestion of SSO. A Moderate Policy similarly offers a dedicated regulatory tier for SSO and considerations for market development, but it may have the same composting requirements for SSO as for mixed solid waste, may negatively impact economic viability by limiting the quantity or site acreage, or may include vague language for handling SSO through anaerobic digestion. A Weak Policy still includes a regulatory tier for SSO, but two of the drawbacks noted above (e.g., limitations on site acreage) are present. No Policy refers to locales with no processing tier for SSO, no acknowledgment of anaerobic digestion of SSO, and no exemption tier for small quantities of SSO.

A commitment to recycled organics market development is another mechanism to bolster organics processing infrastructure. Examples of market development mechanisms include procurement or bidding mandates that require developers to use compost products or recycled organic materials in their development projects.

States with strong policies for diversion to animal feed do not regulate feeding food scraps to animals or have minimal restrictions on such activity; they may also offer education and guidance on relevant laws and regulations and/or encourage collaboration with local farms.

An Evolution of Infrastructure Permitting

Permitting for organics processing infrastructure has evolved over the decades in response to the unique characteristics of different feedstocks, including biosolids, leaf and yard waste, and now, increasingly, food waste. In the 1980s, the U.S. Environmental Protection Agency (EPA) promulgated regulations codified at 40 CFR 503 that established pathogen and vector attraction reduction requirements and pollutant limits for biosolids recycling, including composting. Those requirements are included in most state solid waste regulations for composting, such as PFRP, the process to further reduce pathogens (e.g., maintaining temperature of 55 °C for three days in aerated static piles or 15 consecutive days in windrows). Later in the 1980s and into the 1990s, about two dozen states passed bans on landfill disposal of leaves, grass, and/or brush. This was in response to a perceived shortfall in landfill capacity and led to the creation of composting facilities specifically for yard trimmings in many states. To facilitate the development of yard trimmings processing capacity, states created a "permit by rule" approach (essentially a notification) to facility permitting or established an exemption. Permit-by-rule was an early example of a tiered permitting approach to composting regulations.

Interest in composting of source-separated food scraps grew throughout the 1990s. On-site composting of food scraps, for example, was enabled by in-vessel systems on the market. State solid waste agencies, recognizing that on-site food scrap composting poses minimal threats to public health and the environment, began adopting on-site composting exemptions. Some states also created exemptions for composting food scraps on farms during this time. In some instances, farms were not allowed to sell the compost but instead were required to use it all for their own agricultural operations.

Permit-by-rule, on-site exemptions, and on-farm composting exemptions are the foundation of a tiered approach to regulating composting facilities that process source-separated organic waste streams, including food scraps. Site and operational requirements for processing SSO tend to be less restrictive at smaller volumes and then become more restrictive, e.g., more stringent storm water management and pad requirements, as the quantities of feedstock increase. Tiered approaches reduce barriers to entry for SSO composting, which is why this regulatory approach was prioritized in this report's policy rubric. As reflected in the rubric structure, it is generally acknowledged that a tiered approach to permitting facilitates development of food scrap processing facilities. This is especially the case for existing yard trimmings composting operations that can move from a permit-by-rule status to a registration or permitted status (depending on quantity of food scraps received) without significant financial hardship (in terms of permitting fees, site improvement costs, etc.). What typically changes are the operating procedures, such as requiring that food scraps be incorporated into the composting process soon after their arrival. PFRP temperature requirements must also be met, especially when meat, dairy, and shellfish are included in the food scraps stream.

To date, regulation of anaerobic digestion facilities receiving food scraps (codigestion) varies by state. In Pennsylvania, for example, the state solid waste agency has a permit for codigestion on dairy farms; however, oversight of codigestion at wastewater treatment plants is done by the water/wastewater division (and by the EPA in some cases, in terms of discharge permits). In Ohio, the state solid waste agency defers permitting of digesters taking food scraps to the air and water quality divisions. The organics processing permitting infrastructure inventories illustrate these variations among states.

Policies in the Mid-Atlantic Region

With its Class C recycling permit, New Jersey takes a one-size-fits-all approach to organics recycling activities in the state—from microscale composting at a community garden to large-scale anaerobic digestion of food scraps at a stand-alone facility (i.e., not at a treatment plant or farm). Under a Class C recycling permit, food scraps can be composted only in a fully enclosed facility, which typically requires a substantial capital investment, especially when compared to composting in open-air windrows. Due in large part to these requirements, there are no commercial-scale Class C permitted food scrap composting facilities in New Jersey. The only commercial-scale facility, Ag Choice, operates under a research, development, and demonstration (RD&D) permit, which it first received in 2005. Ag Choice processes about 38,000 cubic yards per year of source-separated organics, including pre- and postconsumer food waste. The company's RD&D status is related to its work to show that composting food scraps in open-air windrows on a compacted gravel pad can be done without negative environmental or public health impacts. Ag Choice remains at a standstill with the New Jersey Department of Environmental Protection on being granted a Class C recycling permit utilizing its current composting facility design.

FOOD SAFETY POLICIES FOR SHARE TABLES

Share tables in schools can promote food rescue efforts and also teach children about food waste and rescue. While the U.S. Department of Agriculture (USDA) provides guidance on establishing share tables in schools, a Strong Policy at the state level goes above and beyond this guidance by encouraging share tables and developing state-specific guidelines or

instructions about food safety as it relates to donation. A Moderate Policy allows share tables but provides only limited guidance. A Weak Policy also allows share tables but provides no guidance or offers more restrictive rules and guidance than the federal government does.

From a broader food policy perspective, food donors and food rescue organizations must also comply with food safety regulations. These regulations often do not directly address food donation specifically and can be difficult to navigate for food donors and health inspectors alike. To facilitate increased food rescue, state and local actors can create better and more consistent food safety regulations, produce guidance on food safety regulations for food donation, and prepare health inspectors to serve as food donation advocates. While many of the states analyzed for this project have produced guidance on implementing share tables in schools, very few have promulgated clear, science-based food safety regulations for food donations or offered food safety guidance for food donation more broadly. Given this gap, an opportunity remains for policymakers and advocates at the state and local levels to push for the following changes: regulations that explicitly state what foods can be donated, statewide uniformity among regulations that apply to donated foods, clarifying guidance on food safety for food donation to support potential food donors, and trainings for local health inspectors on safe food donation.

Policy in Action

New Jersey is an example of a state that has created mandatory guidelines for food rescue from surplus generated in schools, as noted in the tables below. Connecticut offers a cautionary tale of the importance of clear communication and coordinated efforts among stakeholders. In 2017, the Connecticut State Department of Education released a memorandum noting that the state's share table regulations limit their use to foods that are packaged or unpeeled and that do not require temperature control. This caused confusion among schools who thought the regulations could also apply to external donation—and thus felt compelled to dispose of foods like untouched apples and unopened cartons of milk. State agencies subsequently endorsed a guidance document that clarifies the distinction between share tables and donation to food rescue organizations, and the different regulations for each, and it has been made widely available to schools.

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

Statewide food systems plans, where goals and targets are given the support of state infrastructure, will have a much broader impact than regional or local food systems plans. However, any food systems plan that actively considers food waste reduction and sets clear targets to reduce food loss and waste demonstrates a clear commitment to improving food systems. A Strong Policy designation indicates that there is a comprehensive statewide plan with a set of clear goals and targets that also incorporates food loss and waste reduction. A Moderate Policy features regional food systems plans or a state plan in which one of the following is true: There is limited support to achieve goals, there is a failure to coordinate with other regional plans, or there is little to no consideration of food waste reduction. Weak Policies are designated where there is a regional food systems plan that does not have broader state support and does not address food waste reduction.

Policy in Action

Policies across the country, such as in Massachusetts, Rhode Island, and San Diego, have included very direct language about how reducing food waste is central to the success of the statewide food systems plan. Rhode Island's food strategy, Relish Rhody, supports a robust food system that also protects natural resources, promotes clean energy goals, and connects these goals to reducing food waste. To illustrate, one of the five integrated focus areas in Rhode Island's policy is "to minimize food waste & divert it from the waste stream."

PLANS TARGETING SOLID WASTE

Solid waste management plans set targets and a framework for achieving overall materials management and waste diversion goals. Plans that include food waste diversion demonstrate that a state actively considers the impact of food waste on materials management infrastructure, and the best ones are continuously updating their guidance to stay current. A Strong Policy features a current solid waste management plan, zero waste plan, or organics management plan that addresses food waste reduction and offers a strategy for reducing waste. A Moderate Policy highlights food waste as a diversion opportunity but has limitations or is out of date. States with a Weak Policy have plans that are more than a decade out of date and do not acknowledge the role of food waste reduction in diversion strategies.

Measuring Goals

States use a number of strategies to set goals and measure progress on food waste diversion, including analysis of recycling rates, waste reduction rates, or waste generation rates. Recycling rates compare the quantifiable amount of material generated in a territory with the amount of municipal solid waste disposed, but it can be challenging to accurately capture this data, and this approach does not account for waste reduction efforts. A waste reduction rate encompasses the information included in the recycling rate but adds consideration of waste reduction efforts. However, since it can be difficult to measure what is not created (as when food is not wasted), the calculation process can be complicated and the data provided can be less reliable than a recycling rate. A third strategy is to track the waste generation rate over time, either overall or per capita. In areas where waste handling facilities have finite capacity, this data point also helps state officials monitor infrastructure needs as they evolve.

Massachusetts is an example of a state that has evolved its goal-setting and data collection strategies over time, using each data point in different iterations of its solid waste master plan. Massachusetts arrived at using an overall waste generation rate to reduce staff labor required in monitoring goals and allow a focus on various materials reduction rates. As another example, in its Beyond Waste plan, New York took a per-capita waste generation rate approach, accounting for variations in population across the state.

CLIMATE ACTION GOALS

A climate action plan sets clear targets for addressing climate change and establishes clear pathways to meet those targets. With respect to policy vehicles, legislation ranks higher in this policy rubric because it demonstrates a statewide commitment to climate action, whereas executive orders can be revoked by later administrations. Even in the absence of explicit goals for food waste reduction, carbon reduction targets can be leveraged to justify and drive food waste reduction activities at the city and state levels. Where state-level political support for climate action is lacking, cities can adopt their own plans and policies. These can incorporate the contribution that food waste reduction makes toward decreasing emissions while providing economic benefits.

Since food waste is a significant contributor to greenhouse gas emissions, a Strong Policy will incorporate a plan to reduce food waste and will identify action steps for specific departments to carry out the work outlined in the plan. A Moderate Policy features a plan that outlines climate action goals, along with supporting legislation or specific departments that have been tasked with action steps. A Weak Policy for a climate action goal is set by executive order with no legislative framework or enacted with limited legislative action and no framework to achieve goals.

GRANTS AND INCENTIVE PROGRAMS RELATED TO FOOD WASTE REDUCTION

State or local grant and incentive programs can be important catalysts for expanding food waste reduction activities across the hierarchy, from helping offset the costs of donation, to seeding startup food rescue organizations and supporting targeted infrastructure expansion, to providing technical assistance to marketplace stakeholders. A Strong Policy has a sustainable funding model to create grants and incentive programs that are explicitly aimed at food waste reduction. These programs also offer free technical assistance to support food waste reduction in an effort to lower the barriers to diversion. A Moderate Policy includes grants and funding for food waste reduction, but the funding may not be dedicated to this category or may be unsustainable, or technical assistance may not be offered. In states with a Weak Policy, grants to support food waste reduction are available, but more than one of the following is true: funding is not dedicated to this category, funding opportunities are not advertised or accessible, funding is unsustainable, or technical assistance is not provided.

Policy in Action

In addition to providing financial support, states and local entities are increasingly seeing the value and impact of educational programs and technical assistance for food waste generators. Several states provide technical assistance—tailored one-on-one support to an entity to implement food waste reduction strategies—which can lay the groundwork for a future waste ban or recycling mandate. In the absence of such legislation, a robust technical assistance program can still achieve meaningful results at all levels of the hierarchy. Complementary education and promotional campaigns allow broad outreach to constituents and can be an effective tool for raising awareness and spurring individual action. Every state and city has the opportunity to promote, and support constituents in, reducing waste.

Austin, Texas, has implemented an ordinance that requires certain businesses to rescue surplus food and source-separate food scraps for processing separate from municipal solid waste. Each covered business must submit an annual diversion plan that gives an overview of the types of material that will be recovered and the handling strategy for each of these waste streams. To support enforcement efforts, city staff may inspect hauling and recycling contracts. The city also offers a Reduction or Reuse Credit, whereby businesses can offset performance standards for organics recycling through source reduction efforts. A Zero Waste Business Rebate of up to $1,800 is also available to support businesses that are beginning or expanding zero waste initiatives, such as composting or recycling programs. Further, Austin Resource Recovery offers direct technical assistance to entities initiating organics diversion programs.

Establishing a framework for the state's highway department or other state agencies to use compost in construction projects is another incentive program that can be pursued to support compost markets. For example, Maryland's State Highway Administration has developed a specification for compost and compost-based products and identifies compost use as a best management practice to address soil erosion, sediment control, and stormwater management. Not only does this provide a broader incentive for use of compost in state projects, but it also helps create an end market for finished compost, acknowledging the importance of compost sales on the sustainability of processing facilities.

Maryland Food Waste Policy Gap Analysis

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Organics Disposal Bans and Recycling Laws	**Moderate Policy** Maryland currently requires municipalities and state agencies to recycle a percentage of their waste.[2] H.B. 248, prohibits condominiums and homeowners associations from *preventing* owners from composting organic materials or contracting with private composting services.[3] In May 2021, the bill officially became law, as did H.B. 264.[4] This mandatory organics recycling law requires that any individual or company generating at least 2 tons of organic waste per week on or by January 2023, and 1 ton per week on or by January 2024, arrange for disposal alternatives such as prevention, donation, animal feed, composting, or anaerobic digestion. It applies only if a processor within 30 miles can accept all of the generator's material. Warnings and fines are issued for infractions. As of 2019, Maryland also prohibits the owner or operator of a refuse disposal system from accepting loads of separately collected organic waste for disposal unless the owner or operator recycles the organic waste.[5]	■ The mandatory organics recycling law currently only applies to food waste generators located within 30 miles of an organics recycling facility. To enhance the efficacy of the law, Maryland could, over time, phase out the distance exemption or increase the radius within which generators are covered. Alternatively, an incentive program could be created to the same effect. ■ Lower the threshold of total organic waste produced to cover more food scraps generators under the current law. ■ Introduce a solid waste disposal tip fee that would help incentivize waste diversion while generating a revenue stream to fund food waste prevention and diversion programs. ■ Cities or counties may be able to establish incentive programs for food donation or waste diversion because they have the power to develop their own solid waste disposal plans. Incentive programs can come in the form of recognition, certification, or regulatory relief. **Note:** Progress on the recommendations below, particularly in the areas of Liability Protections, Tax Incentives, Organics Processing Infrastructure Permitting, Food Systems Plans, and Solid Waste Management Plans can help make food waste diversion more common, which can lower barriers to implementing policies like a disposal ban.
Date Labeling	**Weak Policy** Maryland regulations require date labels on milk and prohibits the "offer" of milk beyond the sell-by date, except that qualifying institutions may serve milk up to 4 days past the sell-by date.[6] No mandatory policy requires standard date label language or clarifies that most labels are for quality.	■ Establish guidelines expressly allowing the donation or the freezing of food after the quality-based date and educate businesses about donation. ■ Remove prohibition on offering milk past the sell-by date. ■ Launch education campaigns and guidance documents that promote consumer awareness and education on the meaning of date labels. ■ Align any updates to date labeling policy with federal guidance.
Food Donation Liability Protections	**Weak Policy** Maryland provides liability protection for donors and distributors of food offered for free and includes a presumption of good faith.[7] However, liability protections do not cover donations directly to needy individuals or donations that are supplied to ultimate recipients for a small fee.	■ Provide liability protection beyond that offered at the federal level by the Bill Emerson Good Samaritan Food Donation Act: □ Provide liability protection for donations sold at a low price by distributing nonprofits. □ Provide liability protection for certain "direct donations" made by food businesses directly to those in need. □ Provide explicit liability protection where donors donate food products past a quality-based date.
Tax Incentives for Food Rescue	**Moderate Policy** Maryland offers a tax credit for food donation by farms and farm businesses but does not provide any other tax incentives for food donation.[8]	■ Offer a tax incentive to encourage food donation by any qualifying donors (not just farms). ■ Offer a tax incentive to cover the cost of transporting donated food.

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Organics Processing Infrastructure Permitting	**Strong Policy** Maryland has a regulatory tier that includes source-separated food waste and has simplified permitting for the addition of food scraps at existing composting facilities for yard trimmings, and exemption from permitting for small-scale and/or community composting operations.[9] While tier structure facilitates establishment of food scraps composting facilities, compliance requirements for small-tier operations (producing ≤10,000 cubic yards per year of compost) are similar to requirements for large-tier operations (producing >10,000 cubic yards per year of compost). Maryland is considering a separate permitting pathway in its solid waste regulations for anaerobic digestion.	■ Facilitate, such as through best practice requirements, fewer restrictions for small-tier facilities. ■ Consider not counting access roads and related ancillary areas in the total footprint limit of 5,000-square-feet "in support of composting" under the exemption. ■ Ensure permitting requirements are kept up to date with best practices for composting.
Food Safety Policies for Share Tables	**Moderate Policy** Maryland encourages share tables in school cafeterias through its *Food Waste Minimization Toolkit* for Maryland Schools but has not created state-specific guidance.[10]	■ Create state-specific guidance for share tables in school cafeterias.
Food Systems Plans, Goals, and Targets	**Strong Policy** Maryland has commissioned foodshed resiliency plans and invested in multiple food recovery summits in order to build a more sustainable food system.[11]	■ In future versions of resiliency plans, include specific language about how strategies at all levels of the food rescue hierarchy directly support a strong food system. This can help garner resources to support food waste programming that advances the goals of the plan.
Plans Targeting Solid Waste	**Strong Policy** Maryland's Zero Waste Plan is kept current and outlines waste diversion goals through recommendations, including management of food waste.[12] Through this plan, Maryland has established a goal of recycling 90 percent of food scraps by 2040.	■ Continue to maintain the plan and encourage local participation in the process. ■ Update the state's recycling goal.
Climate Action Goals	**Moderate Policy** Maryland has a clear climate plan with emissions reduction goals, and the Maryland Department of the Environment has proposed a 2030 Greenhouse Gas Emissions Reduction Act that also recognizes the impact that managing organic waste can have on reducing greenhouse gas emissions.[13]	■ Adopt the 2030 Greenhouse Gas Emissions Reduction Act, which recognizes that management of organic waste streams can reduce methane emissions. ■ Incorporate climate action planning that sets forth specific recommendations for reducing food waste. ■ Pass local climate action goals and plans to draw the connection between emissions reductions and reduced food waste and further local efforts.
Grants and Incentive Programs Related to Food Waste Reduction	**Weak Policy** Maryland provides a few incentives, but opportunities are limited.	■ Develop dedicated grant programs to fund initiatives that explicitly focus on food waste reduction. ■ Build on existing incentive programs to support food waste reduction efforts. ■ Establish a free technical assistance program to help businesses divert organics from the waste stream. Local technical assistance programs can also support these efforts. ■ Implement (as a near-term, incremental option) an incentive program to incentivize businesses to divert food from the waste stream through donation or other measures. This could come in the form of government recognition, certification, or other encouragement.

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

In May 2021, Maryland passed a law requiring that under certain conditions, food scraps must be diverted for recycling, as well as a law that prohibits condominiums and homeowners associations from *preventing* owners from composting organic materials or contracting with private composting services. Additionally, the Maryland Recycling Act requires jurisdictions to hit a certain target diversion rate for recycling, but it does not specify what needs to be recycled.

Citation	Summary & Key Elements	Source
House Bill 0510 (2019)	**Title:** Organic Waste–Organics Recycling–Collection and Acceptance for Final Disposal **Summary:** This bill prohibits the owner or operator of a refuse disposal system from accepting loads of separately collected organic waste for disposal unless the owner or operator recycles the organic waste.	http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0510?ys=2019RS&search=True
Maryland Recycling Act. Md. Code Ann., Envir. §§ 9-505, 9-1703 and 9-1706.1	**Title:** Maryland Recycling Act **Summary:** This act requires jurisdictions to develop and implement recycling programs. **Key Elements:** ■ Each jurisdiction selects which materials to recycle and how these materials will be separated and processed. ■ Jurisdictions with populations of more than 150,000 are required to recycle 35 percent of their waste. ■ Jurisdictions with populations of less than 150,000 are required to recycle 20 percent of their waste. ■ State agencies must implement a recycling plan with a 30 percent recycling rate mandate.	https://mgaleg.maryland.gov/mgawebsite/laws/StatuteText?article=gen&section=9-505&enactments=false

Citation	Summary & Key Elements	Source
House Bill 264 (2021)	**Title:** Solid Waste Management–Organics Recycling and Waste Diversion–Food Residuals **Summary:** This bill requires any individual or organization that generates food residuals to separate it from other solid waste and ensure that it is diverted via alternative methods such as prevention, donation, animal feed, composting, or anaerobic digestion. **Key Elements:** ■ "Food residuals" means material derived from the processing or discarding of food, including pre- and postconsumer vegetables, fruits, grains, dairy products, and meats. ■ The policy applies to any individual or organization that generates at least 2 tons of food residuals each week on or after January 1, 2023, and any individual or organization that generates at least 1 ton of food residuals each week on or after January 1, 2024. ■ The policy applies only to individuals or organizations that generate food residuals at a location within 30 miles of an organics recycling facility that has the capacity and is willing to accept and process all of the person's food residuals. ■ *Organics recycling facility* refers to a facility where organics recycling takes place. This includes any process, including anaerobic digestion and composting, in which organic materials are collected, separated, or processed and returned to the marketplace in the form of raw materials or products. ■ The Department of the Environment may grant a waiver from compliance with this act if an individual demonstrates undue hardship because the cost of diverting food residuals from a refuse disposal system is at least 10 percent more expensive than the cost of not diverting, or because of other reasonable circumstances, as determined by the department. ■ The Department of the Environment is responsible for issuing warnings for first infractions and fines for each subsequent infraction ranging from $250 to $1,000. Penalties collected for infractions shall be placed in a special fund, to be used only to finance incentives that encourage food waste reduction and composting in the state. ■ The Department of the Environment is also responsible for issuing guidelines for implementation and compliance with this act.	https://mgaleg.maryland.gov/2021RS/bills/hb/hb0264E.pdf
House Bill 248 (2021)	**Title:** Condominiums and Homeowners Associations - Rights and Restrictions - Composting **Summary:** This bill prohibits a recorded covenant or restriction, a provision in a declaration, or a provision in the bylaws or rules of a condominium or a homeowners association from prohibiting or unreasonably restricting a unit owner from contracting with a private entity to collect organic waste materials for composting, and from prohibiting or unreasonably restricting a lot owner from composting organic waste materials for the owner's personal or household use, so long as the owner owns or has the right to exclusive use of the composting area. **Key Elements:** ■ "Composting" means the controlled aerobic biological decomposition of organic waste material. ■ The policy will take effect on October 1, 2021.	http://mgaleg.maryland.gov/2021RS/bills/hb/hb0248T.pdf

DATE LABELING

Maryland regulations require date labels on milk products. Milk products cannot be offered for sale more than 18 days after processing. However, places offering milk that is consumed on site, including hospitals, schools, and institutions, may use milk for up to four days after the sell-by date, and this can help prevent wasted food assuming it is widely understood and practiced. There are no restrictions on donation of food after the date. See details below.

Citation	Summary & Key Elements	Source
Md. Code Regs. 10.15.06.10	**Title:** Dating of Grade A Fluid Milk **Summary:** Date labeling is required of milk (Grade A) products. **Key Elements:** ■ A person may not sell, deliver, or offer Grade A milk or milk products that are cooled to, packaged, and stored at 45 degrees F or less for sale after 18 days from the date of processing. ■ Cultured milk products and eggnog are exempt from dating requirements.	http://mdrules.elaws.us/comar/10.15.06.10
Md. Code Regs. 10.15.06.11	**Title:** Sale and Handling of Milk by Food Service Facilities **Summary:** Sale after the date labeled on milk products is not permitted. **Key Elements:** ■ Exemptions include food service facilities, hospitals, schools, institutions, and other places where milk is consumed on the premises. These facilities can use/serve Grade A fluid milk up to four days after the sell-by date.	http://mdrules.elaws.us/comar/10.15.06.11

FOOD DONATION LIABILITY PROTECTIONS AND TAX INCENTIVES FOR FOOD RESCUE

As shown in the table below, Maryland law provides protection from liability for food donation. In addition, the state provides tax credits for food donation by farms and farm businesses.

Citation	Summary & Key Elements	Source
Md. Code Ann. Cts. & Jud. Proc. § 5-634 **Md. Code Ann. Health—Gen. § 21-322**	**Title:** The Maryland Code for Donated Food **Summary:** Civil liability protection is offered for donors and distributors as long as the food is not ultimately offered for sale. **Key Elements:** ■ A person is not civilly liable if the donation includes donating, preparing, serving, and dispensing donated food distributed by nonprofit corporations, organizations, or associations with good faith. ■ This protection does not cover a person who donates, prepares, or serves donated food at a nonprofit corporation, organization, or association that sells or offers for sale any donated food. ■ There is no protection for acts or omissions that amount to gross negligence or willful and wanton misconduct. ■ Nonprofit corporations, organizations, or associations are similarly protected.	Article – Courts and Judicial Proceedings: https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcj&section=5-634&enactments=false Article – Health – General: https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=ghg&section=21-322&enactments=false
Md. Code Ann. § 10-745 (2018)	**Title:** Food Donation Program for Qualifying Farms **Summary:** Tax credits are offered to qualifying farms and farm businesses for eligible food donations for tax years 2017 through 2021. **Key Elements:** ■ Tax credit is offered to qualified farms and farm businesses, which can claim up to 50 percent of the value of eligible food donations. ■ These qualified farms can also receive up to 75 percent of the value of certified organic produce donations to charitable organizations. ■ Aggregate tax credits that can be claimed are limited in each fiscal year. ■ Up to $100,000 in tax credits is available through this program each year.	https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gtg&section=10-745&enactments=false

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

Organics processing infrastructure is permitted by the Maryland Department of the Environment (MDE). Activities related to the sale of compost, as well as compost operator training, are regulated by the Maryland Department of Agriculture. In 2015 MDE updated its composting regulations, utilizing the U.S. Composting Council's Model Compost Rule Template as a guide. The revised regulations created tiers for source-separated organics composting that include food waste. All non-exempt facilities are required to get a composting permit. Individual permits are needed when conditions fall outside of the general conditions of a General permit. The composting permit contains a set of standard design and operational conditions applicable to composting facilities that use more than 5,000 square feet of area in support of composting operations. An MDE web portal consolidates access to composting and anaerobic digestion permits related to source-separated organics. MDE also created a road map to its various permitting requirements by composting facility type.[14]

Maryland has one law that also regulates the diversion of wasted food for feeding swine.

Citation	Summary & Key Elements	Source
Chapter 26.04.11. (last updated January 2021)	**Title:** Composting Facilities **Summary:** Chapter applies to persons engaged in the construction and operation of composting facilities. Composting facilities also may be subject to permit requirements under: (1) COMAR 26.08.01-.04, relating to State and National Pollutant Discharge Elimination System (NPDES) discharge permits; and (2) COMAR 26.11.02, relating to air quality permits. **Key Elements:** ■ Regulation creates three tiers of composting facilities: □ *Tier I:* Accepts only yard waste or other materials that pose a low level of risk. □ *Tier 2:* Divided into Tier 2 Small (produces 10,000 cubic yards or less of compost per year) and Tier 2 Large (produces more than 10,000 cubic yards of compost per year). Tier 2 facilities accept Tier I materials and: (a) source-separated organics from residential curbside or drop-off programs and nonresidential sources, including but not limited to pre-consumer and postconsumer food scraps and nonrecyclable paper; (b) MDE-approved animal manure and bedding, with department approval based on factors such as moisture content and pathogen risk; (c) MDE-approved industrially produced food processing materials, including industrial poultry and seafood residuals; (d) Animal mortalities; (e) Manufactured organic materials such as waxed-corrugated cardboard, noncoated paper, and compostable products; and (f) Other materials that the department determines pose a low level of risk from hazardous substances and a higher level of risk from physical contaminants and human pathogens relative to Tier I feedstocks. □ *Tier 3:* Accepts sewage sludge, biosolids, diapers, mixed municipal solid waste, and any other feedstocks that are not Tier I or Tier 2 feedstocks and that the department determines pose a low level of risk from hazardous substances and a higher level of risk from physical contaminants and human pathogens relative to Tier I and Tier 2 feedstocks. ■ Regulation establishes siting and design criteria, e.g., distance to groundwater, and compost pad requirements (the latter become increasingly restrictive from Tier I to Tier 3). ■ Facility operating rules require that a detailed Compost Facility Operating Plan be prepared and executed under the composting permit. Site operators must complete and document training in the basics of composting facility operations in accordance with COMAR 15.18.04.03 (see below). ■ Details for management of Type 2 feedstocks at Tier 2 facilities upon their arrival are specified in the Facility Operating Requirements section (see link in Source column, right).	http://mdrules.elaws.us/comar/26.04.11 Facility Siting & Design Criteria Facility Operating Requirements

Citation	Summary & Key Elements	Source
Sec. 26.04.11.11 (effective March 28, 2021)	**Title:** General Composting Facility Permit (GCFP) **Summary:** This authorizes the holder to operate a Tier I (green waste only) or Tier 2 (source-separated organics) composting facility in the state of Maryland under the provisions of this general permit. (Individualized permit for site-specific considerations are available.) **Key Elements:** ■ A GCFP is granted to a composting facility in compliance with Chapter 26.04.11 requirements for its permitted tier. ■ Permit uses Compost Facility Operating Plan as reference document for regulatory compliance and basis for enforcement actions.	https://mde.maryland.gov/programs/LAND/RecyclingandOperationsprogram/Documents/2021-General%20CF%20Permit.pdf
Chapter 26.04.11. Section 9-1725, Environment Article	**Title:** Composting Exemptions **Summary:** These are exemptions from permitting for small-scale composting operations, including small-scale on-farm composting of Type 2 feedstocks. **Key Elements:** ■ A permit is not required for facility that complies with the general restrictions in Regulation .04B of Chapter 26.04.11 and is a Tier I or Tier 2 facility that: (1) at all times, uses no more than 5,000 square feet of area in support of composting operations; and 2) except where a smaller pile size is required by local law: (a) maintains any raw feedstock storage piles at a height of 9 feet or less; and (b) maintains any active composting pile, curing, or finished compost piles at a height of 12 feet or less.	http://mdrules.elaws.us/comar/26.04.11
Title 15, MD Dept. of Agriculture, Chapter 15.18.04 (updated January 2021)	**Title:** Chapter 04 Compost, Sec. .02—Registration of Compost, and Sec. .03—Operator Certification Requirement **Summary:** The Maryland Department of Agriculture (MDA) has oversight of sale of compost in the state and certification of composting facility operators. **Key Elements:** ■ Sellers of compost in Maryland must register with MDA each brand or classification of compost before the compost is sold or distributed within the state. ■ Each composting facility regulated by this chapter—and as required by MDE Chapter 26.04.11—shall operate under the supervision of a certified operator. A person shall apply for certification as a composting facility operator by: (1) Applying to MDE on a departmental form; and (2) Demonstrating proof of practical and scientific knowledge of composting by passing a written examination given by the department. ■ A composting facility operator certificate is valid for 3 years from whenever it was obtained, until December 31 of the third year of certification.	http://mdrules.elaws.us/comar/15.18.04

Citation	Summary & Key Elements	Source
Guidance Document, AD (July 2019)	**Title:** Permitting Guidance for Maryland Anaerobic Digestion Facilities **Summary:** MDE does not have stand-alone anaerobic digestion facility regulations or a permit. MDE's Land and Materials Administration issues a refuse disposal permit that regulates the handling and disposal of solid waste. Under the Environment Article, organic materials processed through anaerobic digestion (AD) are not exempt from the definition of "solid waste." MDE generally has determined that a refuse disposal permit is not required for an AD facility under certain conditions: (1) Digestate is returned to the marketplace in the form of a raw material or product; (2) The quantity of non-digestible and nonrecyclable solid waste handled at the facility remains at a de minimis (negligible) level; and (3) The facility does not cause a nuisance, pollution, or other threats to public health, safety, or comfort as required under COMAR 26.04.07.03. **Key Elements:** ■ Guidance document reviews the potential for AD facilities to be subject to various state environmental requirements including the need to obtain water quality and air quality permits. ■ MDE is drafting basic regulations that include AD; they would require notification and reporting but not a specific permit. ■ Similar to the sale of compost, MDA regulates the sale of digestate (the digested solids and liquids). Distributors of digestate are required to annually register each brand and grade of commercial fertilizer or each product name of soil conditioner (COMAR 15.18.03.02).	https://mde.state.md.us/programs/LAND/RecyclingandOperationsprogram/Documents/permitting%20guidance%20for%20md%20anaerobic%20digestion%20facilities.pdf
Md. Code Ann. Agric. 3-404 (2015)	**Title:** Feeding Garbage to Swine **Summary:** Swine cannot be fed garbage, with some exceptions for particular kinds of waste. **Key Elements:** ■ *Garbage* is defined as any putrescible animal and fowl waste resulting from the handling, preparation, cooking, and consumption of foods, including any animal and fowl carcass, part of it, and any other substance that has been mixed with or been in contact with any animal or fowl waste or carcass. ■ The only animals covered under this law are swine. ■ No garbage can be fed to swine, and garbage cannot be deposited or received at a location where swine are kept. ■ Swine may be fed animal-derived waste if the waste has been heat-treated and the person desiring to feed such waste obtains a license. People may feed their own swine with their household garbage, as long as the swine are not sold or removed from the premises.	https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gag&section=3-404&enactments=false

FOOD SAFETY POLICIES FOR SHARE TABLES

As indicated below, MDE has created guidelines for reducing food waste in schools, which include guidance on how schools can create share tables in their cafeterias.

Citation	Summary & Key Elements	Source
MDE Food Waste Minimization and Related Activities: *A Toolkit for Maryland Schools*	**Summary:** This tool kit includes: ■ Information on food waste generally and the benefits of preventing food waste, rescuing surplus food, and recycling food scraps. ■ Guidance on how schools can create share tables in their cafeterias. ■ Links to guidance on federal liability protection for food donation. However, there is no explicit information on cost-effective, safe, and sanitary means by which schools may donate excess, unused, and edible food to nonprofit organizations that distribute food to nearby individuals.	https://mde.maryland.gov/programs/LAND/AnalyticsReports/Food%20Waste%20Minimization%20and%20Related%20Activities%20--%20A%20Toolkit%20for%20Maryland%20Schools.pdf

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

Maryland has commissioned foodshed resiliency plans for the state. These plans offer strategies and activities intended to help Maryland's food system become more sustainable.

Citation	Summary & Key Elements	Source
Models & Guidelines, Vol. 28: Managing Maryland's Growth: Planning for the Food System	**Summary:** This plan includes discussion of the vision and principles of a local, sustainable food system; food access in Maryland; production of food and fiber in Maryland; and several case studies for localities to consider as they develop food plans. **Key Elements:** Recommendations include: ■ Incorporate food policy into local, comprehensive plans; ■ Develop food, health, and sustainability plans; ■ Implement food planning through food policy councils and food and resource assessments, and create room for agriculture in suburban neighborhoods; ■ Support community gardens and urban agriculture; ■ Zone for value-added agriculture; ■ Develop flexible state financing programs to support food processing in Maryland; ■ Increase access and food distribution to underserved communities through financial programs and year-round indoor farmers markets; ■ Support farm-to-school consumption; ■ Use zoning to limit fast food restaurants; and ■ Rescue food to feed hungry people.	https://planning.maryland.gov/Documents/OurProducts/Publications/ModelsGuidelines/mg28.pdf

Citation	Summary & Key Elements	Source
Maryland Food Recovery Summit Summary and Action Items	**Summary:** This document summarizes action items from a one-day Maryland Food Recovery Summit hosted by MDE in 2016. It includes discussion of current innovative food rescue and recycling efforts in Maryland, research and data Maryland can use to develop effective strategies, and challenges and potential solutions to improve Maryland's food infrastructure system. **Key Elements:** Recommendations include: ■ Create cross-sector partnerships to reduce food waste; ■ Incorporate economic incentives and cost savings into new food recovery programs; ■ Use the food recovery hierarchy to guide food recovery strategies; ■ Use clear, compelling messaging and increased outreach about food waste reduction to a wide variety of stakeholders; ■ Promote source reduction and donation of surplus food to feed hungry people; and ■ Increase capacity for composting and anaerobic digestion of food scraps in Maryland.	https://mde.maryland.gov/programs/LAND/RecyclingandOperationsprogram/Documents/Maryland%20Food%20Recovery%20Summit%20-%20Summary.pdf
Maryland Food Charter: Creating a Road Map for a Healthy and Sustainable Food System	**Summary:** This charter, created by the Institute for Public Health Innovation at Johns Hopkins Bloomberg School of Public Health, lays out recommendations for a statewide strategic food plan. **Key Elements:** Recommendations include: ■ Facilitate collaboration across state agencies and departments to align policies and programs that impact the food system; ■ Promote activities that provide food to marginalized individuals through community gardens and food kitchens; ■ Promote and strengthen urban and rural food production, processing, and distribution; ■ Integrate food production and healthy food access into comprehensive plans; ■ Review and strengthen food safety legislation and regulations; ■ Provide support for public markets and promote healthy food at retail; ■ Promote food assistance and incentive programs that augment low-income households' food budgets; ■ Promote a healthy school food environment; ■ Expand Maryland's liability protection laws for food rescue and food donations; ■ Expand processing facilities to recover inedible food for composting; ■ Expand the Maryland Farm Food Donation Tax Credit; ■ Encourage schools to assess food waste and develop guidelines to minimize it; and ■ Raise awareness of food loss and waste.	https://assets.jhsph.edu/clf/mod_clfResource/doc/MarylandFoodCharter_10242017_FINAL.pdf

PLANS TARGETING SOLID WASTE

Maryland has had a Zero Waste Plan in place since 2014 and also requires that local counties develop and maintain solid waste management plans. Through an executive order, the state established a Sustainable Materials Management Policy and has issued recommendations for goals and metrics related to this policy. Details relevant to wasted food are shown in the table below.

Citation	Summary & Key Elements	Source
Zero Waste Maryland (December 2014)	**Summary:** Establishes a goal of 85 percent waste diversion by 2030 and 90 percent recycling of food scraps by 2040. **Key Elements:** Targets strategies for increased diversion of organics between 2015 and 2020, including: ■ Establishing new composting regulations; ■ Providing guidance for compost facilities; ■ Supporting food rescue efforts; ■ Providing education and outreach for organics management; ■ Supporting development of compost end markets; ■ Implementing an organics disposal ban for commercial and institutional generators; ■ Supporting anaerobic digestion; ■ Reducing use of plastic bags with organics collection; ■ Implementing universal organics diversion (2026–2030); ■ Demonstrating composting and AD projects using organics generated at state operated facilities.	https://mde.state.md.us/programs/Marylander/Documents/Zero_Waste_Plan_Draft_12.15.14.pdf
Yard Waste, Food Residuals, and Other Organic Material Diversion and Infrastructure Study Group – Final Report (July 2019)	**Summary:** In 2017 the governor signed House Bill 171, which required the Maryland Department of the Environment, in collaboration with other stakeholders, to study and make recommendations regarding how to bolster diversion of organic materials. **Key Elements:** ■ This document reviews existing practices related to diversion of food waste and other organic materials in the state and evaluates other laws and regulations in the country to provide recommendations for Maryland to further diversion. It also evaluates existing infrastructure in the state and proposes strategies to expand it.	https://mde.maryland.gov/programs/LAND/RMP/Documents/HB%20171%20final%20report.pdf
Executive Order 01.01.2017.13 (June 27, 2017)	**Title:** Waste Reduction and Resource Recovery Plan for Maryland **Summary:** Establishes a sustainable materials management plan for the state and sets forth a process for developing and measuring related goals. **Key Elements:** ■ Acknowledges recent state efforts to clarify the permitting process for composting facilities. ■ Establishes a sustainable materials management policy for the state. ■ Outlines a goal to work with stakeholders and partners to develop diversion goals and further sustainable materials management. ■ Identifies plans to work with the Maryland Energy Administration to explore opportunities for anaerobic digestion as a method to recover energy from waste.	https://mde.maryland.gov/programs/LAND/RecyclingandOperationsprogram/Documents/EO-01.01.2017.13.pdf

Citation	Summary & Key Elements	Source
Waste Reduction and Resource Recovery Plan Goals and Metrics Recommendations (April 2019)	**Summary:** This document, produced by the Maryland Department of the Environment, is an outcome of the governor's 2017 executive order "Waste Reduction and Resource Recovery Plan for Maryland," which called for improved methods for tracking statewide waste reduction and development of voluntary statewide diversion goals. **Key Elements:** ■ Recommends following voluntary statewide goals to be achieved by 2035: □ Reduce per capita waste generation by 10 percent; □ Reduce greenhouse gas emissions from materials management annually; □ Reduce energy use through materials management; □ Increase county recycling rates for food scraps to 60 percent; □ Achieve 60 percent waste diversion statewide. ■ Suggests streamlining the process for business reporting of annual recycling data. ■ Encourages prioritization of reducing wasted food in the source-reduction credit system.	https://mde.maryland.gov/programs/LAND/RecyclingandOperationsprogram/Documents/EO%20recommendations.pdf
COMAR 26.03.03	**Title:** Development of County Comprehensive Solid Waste Management Plans **Summary:** Establishes that local planning agencies must develop and implement a solid waste management plan. **Key Elements:** ■ Counties are required to consider composting in their solid waste management plans, and compost can be included in the municipality's waste diversion rate when reporting to the state.	http://mdrules.elaws.us/comar/26.03.03

CLIMATE ACTION GOALS

As outlined in the following table, Maryland has several climate action initiatives. The Greenhouse Gas Emissions Reduction Act (GGRA) establishes a goal to reduce greenhouse gas emission levels statewide. A draft plan to update the GGRA also recognizes the impact that managing organic waste can have on reducing greenhouse gas emissions.

Citation	Summary & Key Elements	Source
Executive Orders 01.01.2007.07 (2007) & 01.01.2014.14 (November 19, 2014)	**Title:** Strengthening Climate Action in Maryland **Summary:** Establishes a goal of reducing GHG emissions by 80 percent relative to 2006 levels by 2050. **Key Elements:** ■ Executive Order 01.01.2007.07 established the Maryland Commission on Climate Change. ■ Executive Order 01.01.2014.14 expanded the scope and membership of the Maryland Commission on Climate Change to include nonstate government participants. This commission is charged with a developing a work plan and convening working groups to further GHG reduction goals.	https://mde.maryland.gov/programs/Air/ClimateChange/MCCC/Publications/EO2014.pdf
Senate Bill 258 (2015)	**Title:** An Act Concerning Maryland Commission on Climate Change **Summary:** This act codified the Maryland Commission on Climate Change into law. This commission is responsible for advising the governor and General Assembly on opportunities to mitigate the causes of climate change and prepare for its impacts.	http://mgaleg.maryland.gov/2015RS/bills/sb/sb0258f.pdf
Senate Bill 323 (2016)	**Title:** Greenhouse Gas Emissions Reduction Act—Reauthorization **Summary:** Established a statewide goal of a 40 percent reduction in GHG emissions from 2006 levels by 2030, and required the development of a GHG reduction plan by the end of 2019. The initial act was adopted in 2009 (SB 278) and amended through SB 323.	https://mde.maryland.gov/programs/Air/ClimateChange/MCCC/Publications/GGRAReauth2016.pdf

Citation	Summary & Key Elements	Source
2030 Greenhouse Gas Emissions Reduction Act Plan (February 2021)	**Summary:** The plan sets forth a goal of reducing GHG emissions by 40 percent by 2030. **Key Elements:** ■ Indicates that opportunities should be pursued to capture and recover gas from renewable sources, such as wastewater treatment plants and food waste facilities. ■ Acknowledges that management of organic waste streams can reduce methane emissions, which is addressed in the state's waste management plan.	https://mde.maryland.gov/programs/Air/ClimateChange/Documents/2030%20GGRA%20Plan/2030%20MD%20Greenhouse%20Gas%20Reduction%20Act%20Plan.pdf

GRANTS AND INCENTIVE PROGRAMS RELATED TO FOOD WASTE REDUCTION

Maryland has developed credits, financing programs, and incentives for developing compost end markets to further its zero waste goals.

Citation	Summary & Key Elements	Source
Chapter 430, House Bill 878, Acts of 2014	**Title:** State Highways Administration—Compost and Compost-Based Products—Specification **Summary:** Identified compost use in highway projects as a best management practice for erosion, sediment control, and post-construction stormwater management. **Key Elements:** ■ Requires State Highway Administration to create specifications for compost uses by the end of 2014.	http://mgaleg.maryland.gov/2014RS/chapters_noln/Ch_430_hb0878T.pdf
Md. Code Ann. § 10-745 (2018)	**Title:** Food Donation Program for Qualifying Farms **Summary:** Farmers in Maryland who donate food to participating charities may be eligible for a tax credit of up to $5,000 annually. Additional detail is provided in the *Food Donation Liability Protections and Tax Incentives for Food Rescue and Diversion to Animal Feed* table, above.	https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gtg&section=10-745&enactments=false
Local Government Infrastructure Financing Program	**Summary:** Supports municipalities in financing projects that serve their community, through the issuance of bonds. **Key Elements:** ■ Program is coordinated through the Department of Housing and Community Development. ■ There is no explicit indication that composting or other food waste reduction infrastructure will be covered, but it is for capital projects.	https://dhcd.maryland.gov/Communities/Pages/lgif/HowItWorks.aspx
Source Reduction Credit	**Summary:** This is a mechanism by which local jurisdictions can incorporate reducing waste at its source into their local waste diversion rate. **Key Elements:** Up to a 3 percent credit is available for general waste reduction programs, including: ■ Distributing home composting bins. ■ Offering composting workshops. ■ Establishing a composting demo site.	https://mde.maryland.gov/programs/land/recyclingandoperationsprogram/pages/source_reduction.aspx#:~:text=To%20help%20the%20State%20meet,rate%20by%20up%20to%205%25.
Keep Maryland Beautiful Grants	**Summary:** Environmental Education, Community Initiatives, and Cleanup Grants of up to $5,000 are offered to nonprofits, schools, and municipalities to fund environmental education and stewardship efforts or neighborhood greening activities.	https://dnr.maryland.gov/met/Pages/grant_programs.aspx

New Jersey Food Waste Policy Gap Analysis

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Organics Disposal Bans and Recycling Laws	**Moderate Policy** New Jersey's new organic waste ban is imposed only on certain supply chain actors—here, commercial generators within 25 miles of a food recycling facility.[15] The law will soon take effect, making New Jersey the only state with such a law.	■ The organics waste ban, currently requiring large food waste generators located within 25 miles of a food recycling facility to separate and recycle food waste, could be enlarged to require more supply chain actors to separate and recycle food waste. Alternatively, an incentive program could be enacted to the same effect. This would need to be coupled with a change in New Jersey's organics processing infrastructure policies, which currently hinder expansion of organics processing facilities in the state, to accommodate the larger quantity of recyclable food waste. (See Organics Processing Infrastructure Permitting, below). ■ Other states with similar radius models include consideration of out-of-state facilities as a trigger to the ban. This consideration, which recognizes the reality that these materials freely move across city and state lines, could increase the impact of the existing policy.
Date Labeling	**Moderate Policy** New Jersey imposes date labeling requirements for a few food products—milk and shellfish—and there is no differentiation between quality-based and safety-based dates.[16] The state does not prohibit or limit the sale or donation of food past its label date. The state has a goal of reducing food waste generation by 50 percent by 2030, and date labeling laws could be better leveraged to help achieve this goal.[17]	■ Establish guidelines expressly allowing the donation or the freezing of food after the quality-based date, and educate businesses about donation. ■ Launch education campaigns and guidance documents that promote consumer awareness and education on the meaning of date labels. ■ Capitalize on the number of legislative enactments and resolutions related to the prevention of food waste to issue new date labeling regulations, in alignment with federal guidance.
Food Donation Liability Protections	**Strong Policy** New Jersey provides liability protections beyond those provided by the Bill Emerson Good Samaritan Food Donation Act that include a presumption of good faith, cover donations made directly to individuals, and allow distributors to charge a small fee for donated food.[18]	**Note:** If a dual date-labeling scheme is implemented, liability protections should be amended to include clear permission to donate after the quality-based date.
Tax Incentives for Food Rescue	**No Policy** New Jersey provides no tax deductions or credits for the donation of food beyond what is offered by the federal government.	■ Offer tax incentives to offset the costs of food donation, including the cost of transportation. ■ Offer a tax credit for donation by farmers.
Organics Processing Infrastructure Permitting	**Weak Policy** New Jersey has only one regulatory tier (Class C).[19] It includes all source-separated organics (SSO) recycling activities, no matter the scale (quantity of food scraps processed), with no specific reference to anaerobic digestion of SSO (i.e., reference is made only to composting).	■ Distinguish, via tiers and exemptions, organics infrastructure permitting requirements to create a pathway for small-scale composting of food scraps and reduce barriers to entry for the composting of source-separated food scraps. ■ NJDEP held a public hearing in November 2020 to consider an exclusion for micro-scale food waste composting as well as solid waste permit exemptions for in-vessel food waste composting; outdoor, small-scale, vegetative-only food waste composting; and indoor, small-scale, food waste composting.[20] This would be a positive policy development. ■ Update the permitting requirements to include only those restrictions that are in sync with best management practices for composting of source-separated food scraps (e.g., allow open-air windrow composting where incoming food scraps are incorporated into piles by end of day, and distinguish leachate from active composting from stormwater coming from curing and compost storage). ■ Bolster the market for finished compost by enacting procurement requirements for commercial developers and/or government agencies (e.g., mandatory consideration of a bid for use of compost).

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Food Safety Policies for Share Tables	**Strong Policy** New Jersey has mandatory guidelines for rescue of surplus food in schools, which include food safety requirements for share tables in school cafeterias.	■ Promote opportunities for schools to increase food rescue through share tables and other methods.
Food Systems Plans, Goals, and Targets	**Weak Policy** The Foodshed Alliance has created the Northern New Jersey Regional Foodshed Resiliency Plan.[21] However, no other food systems plans exist or have the support of the state.	■ Develop a comprehensive, statewide food systems plan, with clear goals and targets to build a local, sustainable food system and support local farmers. This plan should include considerations for food waste reduction. ■ Establish a statewide framework and support system to achieve these targets. ■ Support regional plans, which provide the opportunity for an area to set goals and targets for advancing food systems and promoting wasted food reduction strategies.
Plans Targeting Solid Waste	**Moderate Policy** New Jersey's State Wide Solid Waste Management Plan was last updated in January 2006.[22] Although it states that "food waste recycling is an idea that the State wants to promote," the plan lacks specific solutions. A draft Food Waste Reduction Plan has been submitted to the legislature for approval and would provide additional support and funding for food waste reduction.[23]	■ Work toward legislative approval of the draft Food Waste Reduction Plan, which could demonstrate support for initiatives addressing food waste diversion. ■ Update the State Wide Solid Waste Management Plan to complement waste diversion goals and recommendations for management of food waste outlined in the Food Waste Reduction Plan. Revisions to the Solid Waste Management Plan could also update barriers to accomplishing these goals, which were last reviewed in 2006. ■ Modify county solid waste management plans to incorporate a stronger focus on food waste reduction, including establishing a timeline for achieving diversion goals. ■ Develop a program and infrastructure to measure current diversion efforts across the state. Utilize data collected to support recommendations for other policy development.
Climate Action Goals	**Moderate Policy** New Jersey has a clear climate plan with emissions reduction goals and has passed legislation specifically addressing food waste and organics that aligns with these goals.[24] However, the state should incorporate food waste reduction goals directly into climate action planning.	■ Establish specific departments tasked with actionable next steps for advancing emissions reductions in the context of reducing food waste. ■ The Global Warming Response Act 80x50 Report, an evaluation of New Jersey's progress toward addressing its impact on climate change, provides a variety of recommendations directly relating to reducing wasted food.[25] These recommendations should be directly incorporated into climate action planning that sets forth specific proposals for reducing food waste. ■ Pass local climate action goals and plans that draw the connection between emission reductions and reduced food waste and further local efforts.
Grants and Incentive Programs Related to Food Waste Reduction	**Moderate Policy** New Jersey provides several grants and funding opportunities for food loss and waste prevention and for promotion of food rescue programs. There are presently no technical assistance incentive programs in place.	■ Establish a free technical assistance program to help businesses comply with the organics waste ban. Local technical assistance programs can also support these efforts.

New Jersey Food Waste Policy Inventory

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

As shown in the table below, organic waste prevention and diversion from disposal have been gaining traction in New Jersey in recent years. As of 2020, there were multiple bills that had been introduced, were under review, or had passed in New Jersey that will serve to reduce the amount of organics being landfilled. This includes a goal to reduce organic waste in landfills by 75 percent by 2027, and a law that requires large food waste generators to recycle this food residual.

Citation	Summary & Key Elements	Source
A4705—218th Legislature	**Title:** An Act Establishing the New Jersey Food Waste Task Force **Summary:** Establishes New Jersey Food Waste Task Force to make recommendations concerning food waste in New Jersey. **Key Elements:** ■ Established within the Department of Human Services ■ Will be responsible for examining food waste in the state and making recommendations for legislative or executive actions to reduce it, including: □ Preventing food waste; □ Increasing food donation; □ Providing consumers with education on food storage; □ Lowering unreasonably high cosmetic standards for fruit and vegetables; □ Ceasing to reject even marginally imperfect-looking food; □ Building statewide systems to distribute surplus edible food to charities; □ Eliminating unnecessary state statutes or regulations that contribute to food waste; and □ Modifying "best by" food labels to inform consumers of the latest possible date food can be safely consumed.	https://www.njleg.state.nj.us/2018/Bills/A5000/4705_I1.PDF
A2371—219th Legislature (enacted April 14, 2020; effective October 14, 2021)	**Title:** An Act Concerning Food Waste Recycling and Food Waste-to-Energy Production **Summary:** The law requires large food waste generators (those that generate more than 52 tons of food waste each year) within 25 miles of a food recycling facility to separate and recycle food waste. **Key Elements:** ■ Amends definition of "Class I renewable energy" by including methane gas from a biomass facility or methane gas from a composting or anaerobic digestion facility that recovers energy from food waste or other organic waste. ■ Generators covered by this law include commercial food wholesalers, distributors, industrial food processors, supermarkets, resorts, conference centers, banquet halls, restaurants, educational or religious institutions, military installations, prisons, hospitals, medical facilities, and casinos that meet the generation threshold. ■ The definition of "large food waste generator" does not include any interstate carrier conducting interstate transportation operations in the post-security area of an international airport.	https://www.njleg.state.nj.us/2020/Bills/A2500/2371_R2.PDF

DATE LABELING

As of 2019, there were four pieces of legislation that had been approved to aid in the prevention of food waste in New Jersey, including laws pertaining to date labeling and awareness. In 2017 a goal was set to reduce food waste by 50 percent from 2017 to 2030. New Jersey does not have statewide standardized date labels, except for dairy and shellfish, and dairy is not permitted for sale after the date on the container. There are no restrictions regarding the donation of food items that have passed the date on the container.

Citation	Summary & Key Elements	Source
§§1,2 -C.13:1E-226 to13:1E-227 P.L.2017, c136 (enacted July 21, 2017)	**Title:** An Act Concerning the Reduction of Food Waste **Summary:** Establishes goal to reduce the amount of food waste generated annually by 50 percent by 2030, relative to the amount generated in the year the act took effect (2017). **Key Elements:** ■ Requires the New Jersey Department of Environmental Protection (NJDEP) and Department of Agriculture to develop a food waste reduction plan (Additional detail provided in *Plans Targeting Solid Waste* table).	https://www.nj.gov/dep/dshw/food-waste/pl_2017_l136.pdf
A4705 – 218th Legislature	**Title:** An Act Establishing the New Jersey Food Waste Task Force **Summary:** Establishes New Jersey Food Waste Task Force to make recommendations concerning food waste in New Jersey. **Key Elements:** ■ Encourages task force to examine and provide recommendations for modifying "best by" food labels to inform consumers of the latest possible date food can be safely consumed.	https://www.njleg.state.nj.us/2018/Bills/A5000/4705_I1.PDF
AJR172 §§1,2 - C.36:2-352 & 36:2-353	**Title:** A Joint Resolution Designating the Thursday of the Third Week of September of Each Year as "Food Waste Prevention Day" in New Jersey **Summary:** This joint resolution brings awareness to food waste by designating the Thursday of the third week of September each year to be "Food Waste Prevention Day."	https://www.njleg.state.nj.us/2018/Bills/JR19/6_.HTM
AJR174	**Title:** A Joint Resolution Urging Large Food Retailers in This State to Reduce Food Waste **Summary:** This resolution urges large food retailers in New Jersey to take actions to reduce waste through a variety of strategies. **Key Elements:** Recommended strategies include: ■ Enhancing inventory handling and management systems; ■ Collaborating with farmers to limit agricultural food waste; ■ Adjusting current standards that lead to food waste, such as the use of "best by" dates and cosmetic standards; and ■ Providing consumer education.	https://www.njleg.state.nj.us/2018/Bills/AJR/174_I1.HTM
N.J. Stat. Ann. § 24:10-57.23	**Title:** Container Regulations **Summary:** Requires date labeling of milk/dairy products **Key Elements:** ■ Sale after this date for this product is not permitted. ■ Donation for redistribution after this date is permitted.	https://law.justia.com/codes/new-jersey/2016/title-24/section-24-10-57.23/
N.J. Admin. Code § 8:24-3.2	**Title:** Sources, Specifications, and Original Containers and Records **Summary:** Requires date labeling of shellfish. **Key Elements:** ■ Shucked shellfish, packaging, and identification requirements include: ■ A "sell by" date for packages with a capacity of less than one-half gallon; and ■ The date shucked for packages with a capacity of one-half gallon or more.	N.J.A.C. 8:24-3.2

FOOD DONATION LIABILITY PROTECTIONS AND TAX INCENTIVES FOR FOOD RESCUE

As shown in the table below, three pieces of legislation have been approved for food donation in New Jersey. The state offers protection for food donation that goes beyond the Bill Emerson Good Samaritan Food Donation Act. However, it does not offer additional tax incentives beyond federal incentives, according to the national nonprofit ReFED.[26] While the extra liability protection is an opportunity that New Jersey offers to reduce food waste and divert it from landfills, extra tax incentives in addition to federal-level incentives have the potential to spur further expansion of food rescue opportunities.

Citation	Summary & Key Elements	Source
N.J. Stat. Ann. § 24:4A-1—A5	**Title:** Food Bank Good Samaritan Act **Summary:** Donors cannot be liable for damages in any civil action or subject to criminal prosecution resulting from the consumption of donated food, so long as the damages are not caused by gross negligence, recklessness, or intended misconduct.	https://www.nj.gov/dep/dshw/food-waste/donation.html
P.L.2017, c 210 (A3056 2R)	**Title:** An Act Concerning the Donation of Excess Food by School Districts in K-12 Schools and Institutions of Higher Education **Summary:** As a result of the act, the NJDEP, Department of Agriculture, Department of Education, Department of Health, and Office of the Secretary of Higher Education produced the following: ■ State of New Jersey School Food Waste Guidelines: K-12 Schools Edition (2019)[27] ■ State of New Jersey School Food Waste Guidelines: Higher Education Edition (2019)[28] ■ See more information in the *Food Safety Policies for Share Tables* table, below.	https://www.njleg.state.nj.us/2016/Bills/ALI7/210_.HTM
S3026—217th Legislature	**Title:** An Act Concerning Liability for Food Donations and Gleaning Activities, Amending and Supplementing P.L.1982, c.178, and Supplementing Title 4 of the Revised Statutes **Summary:** Clarifies and expands liability protections for food donations and gleaning activities. **Key Elements:** ■ This provision permits nonprofit organizations to recover the cost of handling donated food and allows for innovative approaches to sell surplus food at deeply reduced prices, such as "social supermarkets." ■ The bill reinforces liability protections to public and nonpublic schools donating food. ■ The bill also clarifies that donors or gleaners of food will be protected when they donate the food directly to needy individuals, as opposed to just when they donate to a nonprofit organization to distribute.	https://www.njleg.state.nj.us/2016/Bills/S3500/3026_I1.HTM
P.L.2019, JR-5 (AJR60)	**Title:** Designates November of each year as "Food Pantry Donation Month" in New Jersey **Summary:** A joint resolution permanently designating November as "Food Pantry Donation Month" in New Jersey. **Key Elements:** Aims to educate citizens of New Jersey about the importance of food banks and food pantries.	https://legiscan.com/NJ/text/AJR60/id/2032275

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

Organics processing activities in New Jersey are regulated by NJDEP. "Title 7: Environmental Protection, Chapter 26A: Recycling Rules" is the overarching set of rules for infrastructure permitting. A public hearing was held by NJDEP in November 2020 to consider an exclusion for micro-scale food waste composting as well as solid waste permit exemptions for in-vessel food waste composting; outdoor, small-scale, vegetative-only food waste composting; and indoor, small-scale, food waste composting.[29] Microscale composting would take place at community gardens, multifamily dwellings in urban areas, or locations established by nonprofit groups. Only vegetative food scraps from residents could be accepted. No specific quantity was established as of November 2020.

New Jersey also allows the diversion of certain food waste to be used as animal feed.

Citation	Summary & Key Elements	Source
Title 7. Environmental Protection Chapter 26A. Recycling Rules	**Summary:** These rules cover four classes of recycling (A–D); Class C recycling facilities include food waste preprocessing and composting. **Key Elements:** ■ *Recyclable material* means those materials that would otherwise become solid waste, and that may be collected, separated, or processed and returned to the marketplace in the form of raw materials or products. ■ *Class C recyclable material* means source-separated compostable materials subject to NJDEP approval prior to receipt, storage, processing, or transfer at a recycling center; it includes, but is not limited to, source-separated food waste; source-separated biodegradable plastic; source-separated yard trimmings, including any biodegradable paper bags in which the yard trimmings are collected; source-separated biomass; and lakeweed generated from the cleaning of aquatic flora from freshwater lakes. □ *Biodegradable plastic* is defined as plastic products that are designed to biodegrade and compost and that meet the specifications of the American Society for Testing and Materials document ASTM D 6400-99. ■ Class C rules: □ Do not include language for anaerobic digestion of the organic fraction of municipal solid waste (MSW). □ Include a "research, development, and demonstration (RD&D) approval [N.J.A.C. 7:26-1.7(f)]" for a new or innovative technology or innovative operational process modification made to an existing recycling center or operation. □ Have an exemption for on-site composting by generator, processed exclusively at the point of generation, with compost used as a product on site; this would include, for example a university that composts food waste generated from an on-site cafeteria and uses the resulting compost across the campus. ■ NJDEP and stakeholders are in discussion about a new Class C exemption for small-scale food/micro-scale food waste composting; no formal regulations had been drafted as of January 2021. ■ It should be noted that an exempt facility must still comply with local zoning ordinances, while a permitted facility is exempt from those ordinances. ■ A Class C recycling permit is required for facilities (including anaerobic digesters) receiving source-separated food waste for preprocessing. ■ Facilities processing Class C recyclable material other than or in addition to yard trimmings shall: □ Have an impermeable operating pad (hydraulic conductivity less than 10^{-5} cm/sec) and be sloped to prevent ponding of liquids and to direct leachate to a leachate collection system; and □ Be fully enclosed in a structure, or structures, with complete walls and roof, and the structure must include an air management system permitted by NJDEP pursuant to N.J.A.C. 7:27 that is capable of removing odors and noxious compounds. ■ A certificate of authority is required to operate an RD&D project demonstrating that the specific materials received do not need full enclosure to prevent leachate problems and off-site impacts, such as odors from typical food wastes. Based on the results of the RD&D project, NJDEP may issue a general approval to allow other forms of structures or other adequate measures to prevent on- and off-site impacts. ■ As of February 2021, there were no Class C permitted food waste composting facilities in New Jersey. A Science Advisory Board was tasked to study outdoor food waste composting and its public health and environmental impacts. The final report addresses air and water quality impacts and potential human health effects.[30]	https://www.state.nj.us/dep/dshw/resource/CURRENT/WEB%20PDFS/26A.pdf https://www.nj.gov/dep/sab/sab_food_composting.pdf

Citation	Summary & Key Elements	Source
Title 7. Environmental Protection Chapter 26. Solid Waste Subchapter 2b.	**Summary:** Establishes additional engineering design submission requirements for solid waste composting and co-composting facilities. ■ While there is no Class C recycling permitted source-separated food waste composting facility in New Jersey, it is anticipated that such a facility would have to comply with these engineering design requirements as food waste is a Class C material.	https://www.state.nj.us/dep/dshw/resource/CURRENT/WEB%20PDFS/26%20CHAPTER%202B.pdf
Title 7 Chapter 27 Subchapter 8— N.J.A.C. 7:27-8.2(a)1	**Summary:** New Jersey Air Pollution Control Permit Application. Composting is cited as a "significant source operation" as it pertains to: ■ Composting equipment that emits air contaminants. ■ Equipment used for the purpose of venting a closed or operating solid waste facility, directly or indirectly, into the outdoor atmosphere, including but not limited to any transfer station, recycling facility, or municipal solid waste composting facility. ■ Because there are no permitted food waste composting facilities in New Jersey, application of these rules to that type of facility is not available. Recommendations for air quality control are included in the Science Advisory Board report for outdoor food waste composting.	https://www.nj.gov/dep/aqm/currentrules/Sub8.pdf General rule: https://www.nj.gov/dep/aqm/rules27.html https://www.nj.gov/dep/sab/sab_food_composting.pdf
P.L. 2020, c.24 Bill No. S865 (IR) and A3726 (4R)	**Summary:** This is an act passed in April 2020 that references anaerobic digester facilities as an "alternative authorized food waste recycling method" (see Organics Disposal Bans and Recycling Laws, above).	P.L. 2020, c.24 C.13:1E99.122 https://www.njleg.state.nj.us/2020/Bills/PL20/24_.HTM
N.J.A.C. 7:8-5 and 6; NPDES-N.J.A.C. 7:14A-24 and 25	**Summary:** These concern leachate and stormwater runoff and drainage control measures, e.g., slope of composting pad, leachate collection, etc. All composting facilities must address water quality impacts. Because there are no permitted food waste composting facilities in New Jersey, there has been no application of these rules to that type of facility. Recommendations for leachate management are included in the Science Advisory Board report for outdoor food waste composting. **Note:** Any existing facility composting food waste in New Jersey is considered a DSW (direct discharges to surface water) location and is included in the "RF-Individual Permit for Industrial Stormwater Dischargers" category.	https://www.nj.gov/dep/rules/rules/njac7_8.pdf https://www.nj.gov/dep/rules/rules/njac7_14.pdf https://www.nj.gov/dep/sab/sab_food_composting.pdf
S. 232 Environmental Justice law (Law passed in 2020; going into rulemaking)	**Summary:** Requires NJDEP to evaluate environmental and public health impacts of certain facilities, including solid waste facilities, on overburdened communities when reviewing certain permit applications. Composting facilities are not specifically referenced in this law, but it is anticipated that composting would be considered solid waste. The new environmental justice law is effective immediately, although it awaits the adoption of implementing rules and regulations by NJDEP.	https://www.njleg.state.nj.us/2020/Bills/S0500/232_I1.pdf
N.J. Admin. Code § 2:2-4:11	**Title:** Period for Accomplishing Heat Treatment of Garbage **Summary:** New Jersey allows (via adoption of the rules and regulations of the federal Swine Health Protection Act) the feeding of animal-derived and vegetable waste to swine, provided that it has been properly heat-treated and fed by a licensed facility.	https://www.nj.gov/agriculture/divisions/ah/pdf/reportablediseaselist.pdf

FOOD SAFETY POLICIES FOR SHARE TABLES

As indicated below and noted previously, NJDEP has created mandatory guidelines for the rescue of surplus food in schools; these include food safety requirements for share tables in school cafeterias.

Citation	Summary & Key Elements	Source
State of NJ School Food Waste Guidelines: K-12 Schools Edition (2019)	**Summary:** These guidelines include: ■ Information on food rescue generally and the benefits of preventing food waste, rescuing surplus food, and recycling food scraps. ■ Guidance on how schools can create share tables in their cafeterias. ■ Information on cost-effective, safe, and sanitary means by which schools may donate excess, unused, and edible food to nonprofit organizations that distribute food to nearby individuals.	https://www.nj.gov/dep/seeds/sfwg/docs/K-12.pdf
State of NJ School Food Waste Guidelines: Higher Education Edition (2019)	**Summary:** These guidelines include: ■ Information on food waste generally and the benefits of reducing, recovering, and recycling food waste. ■ Guidance on how schools can create share tables in their cafeterias. ■ Information on cost-effective, safe, and sanitary means by which schools may donate excess, unused, and edible food to nonprofit organizations that distribute food to nearby individuals.	https://www.nj.gov/dep/seeds/sfwg/docs/HighEd.pdf

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

The Foodshed Alliance has created a regional foodshed resiliency plan for northern New Jersey. This plan recommends strategies and activities to help northern New Jersey's regional food system become more sustainable.

Citation	Summary & Key Elements	Source
Northern New Jersey Regional Foodshed Resiliency Plan (2015)	**Summary:** This plan includes discussion of the vision and principles of a local, sustainable food system; food assets in northern New Jersey; and strengths and weaknesses of northern New Jersey's current regional food system. **Key Elements:** Recommendations include: ■ Increase sustainable, organic, and regenerative farming. ■ Establish a New Jersey–based food hub. ■ Attract new farmers. ■ Work toward establishing a food policy council for the state. ■ Make farmland affordable.	http://foodshedalliance.org/wp-content/uploads/2016/02/PlanDesignRI.pdf

PLANS TARGETING SOLID WASTE

The New Jersey State Wide Solid Waste Management Plan was last updated in January of 2006. It states, "Overall, food waste recycling is an idea that the State wants to promote." While this plan lacks specific solutions, it highlights a need to collaborate with stakeholders to determine next steps in furthering food waste diversion.

Citation	Summary & Key Elements	Source
State Wide Solid Waste Management Plan Update (January 2006)	**Summary:** In this plan, the state acknowledges the potential for furthering recycling rates through food waste reduction, which could help it come closer to a 1993 goal of a 50 percent MWS recycling rate. **Key Elements:** Recommendations within the document include: ■ Building on the existing "Cut It and Leave It" campaign with a home composting campaign that could include yard waste and food scraps. ■ Developing food waste composting programs in conjunction with the state Department of Agriculture. ■ Driving markets for finished compost by encouraging state agencies to purchase it "when the need for this material arises." ■ Updating technical training materials to incorporate food waste composting, including within a manual on leaf and yard trimmings as well as in an NJDEP-funded professional education course. ■ Promoting on-site composting for larger institutional generators. ■ Highlighting projects supporting methane-derived fuel products from digestion of organic material. References to regulation: ■ A rule change in 1996 was aimed at promoting the composting of organic materials other than yard trimmings, classifying source-separated organic material as recyclable and processing facilities as recycling centers. A 2002 update allows for on-site composting with distribution of finished product off-site without the need for approval. ■ Further consideration was underway at the time this document was drafted to provide additional design requirement flexibility, including reducing the 1,000-foot buffer requirement between composting facilities and their neighbors when both parties agree on a lesser distance. Also noted in the report were the following barriers to composting, which may still provide challenges to present-day food waste reduction: ■ Limited processing capacity, whose growth is impeded by local stakeholder sentiment about composting and negative perceptions among residential neighbors. ■ Hauling distance between generators and processors. ■ Limits in the available land for siting windrow facilities, which may lead to in-vessel or digestion facilities. ■ A local community aversion to diverting new solid waste types and a limit in available capital for building new facilities. ■ Lack of confidence among the public and end users about the quality of compost.	https://www.state.nj.us/dep/dshw/recycling/swmp/index.html
Draft Food Waste Reduction Plan (public comment period in September 2019)	**Summary:** This plan, an outcome of P.L.2017, c136 detailed in the *Date Labeling* table above, follows the EPA Food Recovery Hierarchy and proposes the following: ■ Establish a legislatively authorized New Jersey Food Waste Reduction Council. ■ Modify the existing Recycling Enhancement Act research funds to include grants to institutions of higher education for demonstrations, research, or education, and dedicate 50 percent of funds to support the work of the council.	https://www.nj.gov/dep/dshw/food-waste/food_waste_plan_draft.pdf

CLIMATE ACTION GOALS

As indicated in the table below, New Jersey set a goal for carbon emissions reductions by passing the New Jersey Global Warming Response Act in 2019. Paired with Executive Order 89, which became effective October 29, 2019, this provides the state with a framework for the development of several plans and initiatives that address greenhouse gas emissions. Where legislation specifically addresses wasted food/organics, it is noted in the table below; however, any initiative to reduce wasted food necessarily aligns with carbon reduction goals. Notably, the *Global Warming Response Act 80x50 Report* provides a variety of recommendations directly related to reducing wasted food.

Citation	Summary & Key Elements	Source
P.L. 2007 c.112; P.L. 2018 c.197 (GWRA)	**Title:** New Jersey Global Warming Response Act **Summary:** Directs NJDEP to collaborate with other state agencies to develop plans and recommendations for reducing emissions of climate pollutants to 80 percent below 2006 levels by 2050. **Key Elements:** ■ Requires the state to establish a GHG emissions monitoring and reporting program. ■ Does not directly mention food waste reduction strategies.	https://www.njleg.state.nj.us/2018/Bills/AL19/197_.HTM
Executive Order 89	**Summary:** Establishes a process to appoint a state chief resilience officer. **Key Elements** ■ Creates an Interagency Council on Climate Resilience. ■ Does not directly mention food waste reduction strategies.	https://nj.gov/infobank/eo/056murphy/pdf/EO-89.pdf
Energy Master Plan (June 10, 2019)	**Summary:** This plan outlines goals for sectors and agencies across the state to reduce climate impact while "providing a safe, reliable, resilient, and affordable energy system for the citizens of New Jersey." **Key Elements:** ■ Goal 2.3 encourages biogas generation and conversion to electricity at wastewater treatment plants and food waste processing facilities. ■ Goal 2.3.6 aims to maximize the use of source-separated organics for energy production and encourages the state to consider requiring source separation of organic waste from MSW and incentivizing anaerobic digestion technology for processing wastewater and food wastes.	https://nj.gov/emp/pdf/Draft%202019%20EMP%20Final.pdf
New Jerseys' Global Warming Response Act 80x50 Report (October 15, 2020)	**Summary:** This plan highlights the opportunity to reduce emissions through reduction of food waste. **Key Elements:** Recommendations in the plan include: ■ Adopt regulations to implement requirements of the Food Waste Recycling and Waste-to-Energy Production Act (P.L.2020, c.24.), including regulations that: □ Support the development of facilities and markets for food waste processing. □ Establish best practices for food waste generators by sector. □ Pursue options for energy recovery from wastewater treatment facilities and, where feasible, expand incorporation of food waste into these facilities for generation of digester gas to be utilized on-site for energy and process heat. ■ Finalize a food waste reduction plan. ■ Adopt food waste reduction rules. ■ Develop guidelines for siting food waste recycling facilities. ■ Incentivize the establishment of organic processing operations. ■ Adopt community composting rules. ■ Offer education about wasted food. ■ Distribute emerging management practices to reduce food waste. ■ Provide incentives related to biogas and processing food waste at wastewater treatment facilities. ■ Offer incentives for food donation and commercial waste audits. ■ Increase engagement in the Compost Education class offered through Rutgers University. ■ Support the development of regional composting facilities.	https://www.nj.gov/dep/climatechange/docs/nj-gwra-80x50-report-2020.pdf

GRANTS AND INCENTIVE PROGRAMS RELATED TO FOOD WASTE REDUCTION

There are a small number of identifiable grant programs in New Jersey dedicated to supporting food waste reduction.

Citation	Summary & Key Elements	Source
Recycling Enhancement Act Higher Education Research Grant Program	**Summary:** Approximately $1 million from the State Recycling Fund is available annually for projects that support the Recycling Enhancement Act, including food waste reduction initiatives. **Key Elements:** ■ Applicants must be New Jersey institutions of higher education; partnerships with third parties are highly encouraged. ■ The annual grant application outlines eligible themes.	https://www.nj.gov/dep/grantandloanprograms/swrea-higher-ed.htm
Sustainable Jersey Grants and Technical Assistance Program	**Summary:** Sustainable Jersey offers financial and technical resources to support action toward a sustainable future. **Key Elements:** ■ The Gardinier Environmental Fund provides varying funding for energy-related projects on an annual basis. ■ PSEG provides annual funding in the range of $2,000, $10,000, and $20,000 for projects that support general green team operations, as well as for a variety of municipal projects that address Sustainable Jersey actions. ■ Sustainable Jersey has also developed a funding database to highlight relevant funding opportunities provided by other entities, such as the government, nonprofits, corporations, and foundations.[31]	https://www.sustainablejersey.com/grants/
State Food Purchase Program—2020 Gleaning Support	**Summary:** This program is for gleaning activities that take place on New Jersey farms, with food redistribution to local organizations in the state to feed the hungry. **Key Elements:** ■ Approximately $150,000 is available for nonprofit applicants. ■ Grant funding may be used for transportation costs, staff salaries, and expenses related to transportation and distribution of gleaned food. ■ Applicants must be nonprofits operating in New Jersey that have an implementation plan for the project, and must have operated a gleaning program for at least two of the past three calendar years. Entities that receive funds from the State Food Purchase Program are not eligible to apply. ■ In FY 2021, applications are being accepted on a rolling basis.	https://www.nj.gov/agriculture/grants/gleaninggrants.html
Draft Food Waste Reduction Plan (public comment period in September 2019)	**Summary:** Plan recommends adding a funding mechanism for food waste reduction through a modification to Recycling Enhancement Act research funds, so that 50 percent of funds be allocated to support the work of the proposed New Jersey Food Waste Reduction Council. Additional detail is provided in the *Plans Targeting Solid Waste* table, above.	https://www.nj.gov/dep/dshw/food-waste/food_waste_plan_draft.pdf

Pennsylvania Food Waste Policy Gap Analysis

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Organics Disposal Bans and Recycling Laws	**No Policy** Pennsylvania has not enacted an organics disposal ban, and there is no incentive structure to encourage food waste diversion.	■ Enact an organic waste ban or mandatory organics recycling law for all commercial generators. ■ Introduce a solid waste disposal tip fee that would help incentivize waste diversion while generating a revenue stream to fund food waste prevention and diversion programs. ■ Cities or counties may be able to enact their own organic waste bans for food waste or establish incentive programs for food donation or waste diversion because they have the power to develop their own solid waste disposal plans. Incentive programs can come in the form of recognition, certification, or regulatory relief. **Note:** Progress on the recommendations below, particularly in the areas of Liability Protection, Tax Incentives, Organics Processing Permitting, Food Systems Plan, and Solid Waste Management Plans, can help make food waste diversion more common, which can lower barriers to implementing policies like a disposal ban.
Date Labeling	**Moderate Policy** Pennsylvania has date labeling requirements for milk and shellfish.[32] There is no differentiation between quality-based and safety-based dates, but the state does not prohibit or limit the sale or donation of food past its label date. The state has some goals related to reducing food waste, and date labeling laws could be better leveraged to help achieve these goals.	■ Establish guidelines expressly allowing the donation or the freezing of food after the quality-based date, and educate businesses about donation. ■ Launch education campaigns and guidance documents that promote consumer awareness and education on the meaning of date labels. ■ Align any updates to date labeling policy with federal guidance.
Food Donation Liability Protections	**Weak Policy** Pennsylvania has liability protection for donors and distributors of food offered for free, and there is a presumption of good faith.[33] However, liability protections do not cover donations directly to needy individuals or donations that are supplied for a small fee. A recently introduced bill, H.B. 187 (2021), would add explicit permission to distribute past a quality-based date label.[34]	■ Provide liability protection beyond that offered at the federal level by the Bill Emerson Good Samaritan Food Donation Act, including: □ Liability protection for donations sold at a low price by distributing nonprofits. □ Liability protection for certain "direct donations" made by food businesses directly to those in need. □ Explicit liability protection when food products are donated after a quality-based date.
Tax Incentives for Food Rescue	**Moderate Policy** Pennsylvania offers a state tax credit for donating food and does not appear to limit who may qualify.[35] However, the tax benefit is insufficient to offset the costs associated with donation.	■ Offer an additional tax incentive to cover the cost of transporting donated food.

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Organics Processing Infrastructure Permitting	**Moderate Policy** Pennsylvania has a regulatory tier that includes source-separated food waste and has created multiple permitting pathways for composting food waste, e.g., on farm and on mine sites.[36] It does not have an exemption from permitting for small-scale and/or community composting operations. Though it limits its general permit for food waste composting facilities to 15 acres, this likely does not impact the economic viability of a composting facility.[37] Permit requirements are subject to interpretation by district offices that approve permit applications. Pennsylvania does not have a separate permitting pathway in solid waste regulations for anaerobic digestion of source-separated food waste.	■ Ensure its permitting requirements are kept up to date with best practices for composting. ■ Build consistency into the permit approval process to minimize variation in interpretation of applicability and requirements by district offices. ■ Create an exemption for small-scale composting of food waste with a simplified registration process. ■ Ensure that permitting requirements encourage urban composting facilities, such as in Philadelphia. ■ Develop a separate permitting pathway for anaerobic digestion of source-separated food waste that includes, where applicable, requirements similar to those imposed on composting source-separated food waste. ■ Bolster the market for finished compost by enacting procurement requirements for commercial developers and/or government agencies (e.g., mandatory consideration of a bid for use of compost).
Food Safety Policies for Share Tables	**Weak Policy** Pennsylvania allows share tables but provides no resources or guidance on food safety for them.	■ Develop comprehensive and state-specific food safety guidance for food rescue and share tables to encourage the adoption of the latter. ■ Promote opportunities for schools to increase rescue through share tables and other methods.
Food Systems Plans, Goals, and Targets	**Moderate Policy** The Governor's Food Security Partnership has developed a plan, outlined in *Setting the Table: A Blueprint for a Hunger-Free PA*, that addresses food systems but sets no requirements and develops no infrastructure to help comply with its recommendations.[38]	■ Develop a comprehensive, statewide food systems plan with clear goals and targets to build a local, sustainable food system and support local farmers. This plan should include considerations for food waste reduction. ■ Establish the framework and support to achieve those targets.
Plans Targeting Solid Waste	**No Policy** Pennsylvania has no solid waste management plan at the state level.	■ Develop a statewide solid waste management plan and provide updated specific waste diversion goals and recommendations for reduction of food waste through prevention, donation, rescue, and/or processing via composting or anaerobic digestion. ■ As a near-term action, develop an organics management plan to address food waste while a comprehensive solid waste management plan is being developed.
Climate Action Goals	**Weak Policy** Pennsylvania has a clear climate plan with emissions reduction goals, but none of the related initiatives directly address food waste.[39]	■ Establish specific departments tasked with formulating actionable next steps for advancing emissions reductions in the context of reducing food waste. ■ Incorporate specific recommendations for reducing food waste into climate action planning. ■ Develop local climate action goals and plans to draw the connection between emission reductions and reduced food waste and further local efforts.
Grants and Incentive Programs Related to Food Waste Reduction	**Moderate Policy** Pennsylvania provides several grants and other funding for food loss and waste prevention and for promotion of food rescue programs, but it does not offer technical assistance to businesses to support food waste diversion.	■ Consider reissuing the Food Recovery Infrastructure Grant, which specifically earmarked funds for food loss and waste prevention and for food rescue. ■ Establish a free technical assistance program to help businesses divert organics from the waste stream. Local technical assistance programs can support these efforts.

Pennsylvania Food Waste Policy Inventory

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

There are currently no organics disposal bans or organics recycling laws in Pennsylvania. However, the Pennsylvania Department of Environmental Protection offers recycling technical assistance valued at up to $7,500 to local governments across the state, including technical assistance with composting, to help them improve their recycling programs.[40]

DATE LABELING

Pennsylvania currently requires date labeling for two food items: shellfish and pasteurized milk. Milk is not permitted for sale after the date marked on the container, but there are no restrictions on certain food items that are donated after the date label.

Citation	Summary & Key Elements	Source
7 Pa. Code § 59a.15 (2020)	**Title:** Title 7: Agriculture, Chapter 59a: Milk Sanitation, Section 15: Labeling: Milk Dating **Summary:** Outlines date labeling requirements and handling procedures for milk. **Key Elements:** ■ Pasteurized milk for sale must be dated and labeled with "sell by" or "not to be sold after" followed by the date clearly marked on the container. ■ The date on the container must not be more than 17 days after midnight on the day the milk was pasteurized. ■ Several items are exempt from these requirements, including but not limited to cultured dairy products, milk sold or offered for retail sale where it was processed, and ultra-pasteurized dairy products. ■ Pasteurized milk cannot be sold after the "sell by" date labeled on the container.	http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/007/chapter59a/s59a.15.html&d=reduce
7 Pa. Code § 46.246 (2003)	**Title:** Title 7: Agriculture, Chapter 46: Food Code. Receiving Shucked Shellfish: Packaging and Identification **Summary:** Provides requirements for labeling shucked shellfish. **Key Elements:** ■ Raw, shucked shellfish must have a label with the name, address, and certification number of the shucker-packer or repacker. ■ A "sell by" or "best if used by" date must be on a package if it contains less than 1.87 L (one-half gallon). ■ The date shucked must be included on a package if it contains 1.87 L (one-half gallon) or more. ■ If there is no label or the label is inadequate, the package will be subject to detention.	http://www.pacodeandbulletin.gov/secure/pabulletin/data/vol33/33-50/33_50_p2.pdf
7 Pa. Code § 49.4 (2020)	**Title:** Title 7: Agriculture, Chapter 49: Shellfish, Section 4: Records and Labeling **Summary:** Transaction records of purchases and sales of shellfish must be maintained by a dealer. **Key Elements:** ■ Dealers must keep and retain records, and maintain product labeling, in compliance with the NSSP Model Ordinance and the Food Act.	http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/007/chapter49/chap49toc.html&d=reduce

FOOD DONATION LIABILITY PROTECTIONS AND TAX INCENTIVES FOR FOOD RESCUE

As shown in the table below, there are two Pennsylvania laws related to food donation liability protections, one regarding what is covered and the other regarding restrictions on donating food.

The Charitable Food Program encourages food rescue by awarding tax credits of up to 55 percent. Eligible projects are afforded the food donation liability protections outlined under the Donated Food Limited Liability Act. An amendment to the Donated Food Limited Liability Act that would provide further donor immunity and allow donation of food past the label date was introduced in 2021.

Citation	Summary & Key Elements	Source
10 PA. Stat. Ann. §§ 351–58 (1981)	**Title:** Pennsylvania's Donated Food Limited Liability Act **Summary:** Provides limited civil and criminal immunity for those donating food to select organizations for distribution to those in need and also outlines duties and powers bestowed to counties. **Key Elements:** ■ Offers civil and criminal liability immunity for individuals or organizations that donate food to charitable or religious organizations. ■ Extends coverage to both donors and charitable organizations. ■ Excludes protection for negligence, recklessness, or intentional misconduct on the part of donors and charitable organizations. Consideration is given for wildlife, which may be donated to and processed, prepared, and distributed by charitable organizations that serve/distribute food without cost. ■ Does not allow the sale of donated food for profit, unless for a nominal fee; and if food that is donated is for sale, the heightened liability protection is null. ■ Allows a charitable organization to assess a small fee on another organization (e.g., to cover transportation or distribution costs) and still be covered by the heightened liability protections. ■ Gives counties immunity from all criminal and civil liability when creating a referral or informational system of prospective donors and needy individuals. There is an exclusion, however, for gross negligence, recklessness, or intentional misconduct.	Law: https://www.legis.state.pa.us/WUOI/LI/LI/US/PDF/1981/0/0076..PDF Legal Fact Sheet: https://www.chlpi.org/wp-content/uploads/2013/12/FINAL-PA-Liability-Fact-Sheet.pdf
The Neighborhood Assistance Program – Charitable Food Program	**Title:** Pennsylvania Tax Credit Incentives **Summary:** This offers up to a 55 percent tax credit to businesses that donate money or food to qualifying charitable food organizations or projects. **Key Elements:** ■ Administered by the Pennsylvania Department of Community and Economic Development (DCED). ■ Charitable food recovery organizations and projects must be approved by the DCED. ■ Only foods with "nutritional value" as defined by the DCED qualify for tax credits.	https://dced.pa.gov/download/neighborhood-assistance-program-nap-guidelines/?wpdmdl=86209

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

Organics processing activities in Pennsylvania are regulated by the Pennsylvania Department of Environmental Protection (PADEP). Facility permitting requirements for organics processing infrastructure vary by location, scale, and technology (i.e., composting or anaerobic digestion).[41] They are divided into "Municipal Waste General Permit" and "Residual Waste General Permit." Because of very limited staff and budget in PADEP's central office, final decisions on permit applications and permit modification requests are made by the agency's district offices. Current permits for food waste composting do not include either a tier or an exemption for small-scale composting (e.g., community composting) sites that accept material from households and/or small businesses.[42]

Additionally, there is one law related to the diversion of food scraps for animal feed that covers all "domestic" animals.

Citation	Summary & Key Elements	Source
25 Pa. Code § 271.103 (2014)	**Title:** Permit-by-Rule for Municipal Waste Processing Facilities Other Than for Regulated Medical or Chemotherapeutic Waste; Qualifying Facilities; General Requirements **Summary:** Exempts on-site municipal food waste composting operations ("captive composting") from needing a permit. **Key Elements:** ■ Permit-by-rule for processing MSW that is generated solely by the operator on site or off site. Permit-by-rule for a person or municipality operating a yard waste composting facility of 5 acres or less, except for individual backyard composting facilities.	http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/025/chapter271/s271.103.html&searchunitkeywords=Chapter,271.103&origQuery=Chapter271.103&operator=OR&title=null
General Permit WMGM017 (2020)	**Title:** On-Farm Source Separated Composting **Summary:** General permit allows composting of source-separated organics, including food scraps, on farms, provided party obtains a "Determination of Application" from PADEP. **Key Elements:** ■ Applies to on-farm composting of manure, yard waste (grass clippings, leaves, garden residue, tree trimmings, chipped shrubbery, and other vegetative material), source-separated food scraps (from food markets, grocery stores, food banks, food distribution centers, school cafeterias, and institutions), source-separated newspaper, and source-separated corrugated paper (cardboard). ■ Is limited to facilities that do not exceed 5 acres, do not process more than 500 tons or 1,000 cubic yards per year of source-separated food scraps, and do not process more than 3,000 cubic yards per acre of total materials (must meet all three criteria). ■ Allows compost to be sold. Methods include composting, vermicomposting (using worms) and hermetiacomposting (using larvae of black soldier flies). ■ Beneficial uses of the finished compost, vermicompost, and hermetiacompost include marketing or distribution as a soil substitute, soil conditioner, soil amendment, fertilizer, or mulch. ■ Composting area shall be constructed in a well-drained area with a workable surface and slope of 2–4 percent to prevent ponding and control surface water. All stormwater should be diverted away from the composting area. The working surface should be firm, uniformly graded, and dry.	http://files.dep.state.pa.us/Waste/Bureau of Waste Management/WasteMgtPortalFiles/SolidWaste/Municipal_Waste/GP/WMGM017.pdf

Citation	Summary & Key Elements	Source
General Permit WMGR025 (2008)	**Title:** Residual and Municipal Waste Composting **Summary:** Authorizes composting and beneficial use of source-separated organic wastes. Does not cap quantity that facilities are allowed to accept, but does limit all composting facility operations to a maximum of 15 acres. **Key Elements:** ■ Source-separated organic wastes include agricultural waste other than mortalities, butcher waste other than whole carcasses, food processing waste, pre-consumer and postconsumer food residuals (residential, commercial, and institutional), yard waste, land clearing and grubbing material, untreated wood waste, gypsum wallboard, paper, cardboard, waxed cardboard, virgin paper mill sludge, and spent mushroom substrate. ■ Beneficial uses of the finished compost approved in this permit include marketing or distribution as a soil conditioner, soil amendment, fertilizer, or mulch, and for erosion control. ■ Approval to operate under this permit is limited to composting facilities that do not exceed 15 acres. The composting facility shall include waste material storage areas, composting and curing areas, and a finished compost storage area (other than areas storing bagged product for retail sale). This permit does not cap the amount of material that can be accepted annually. ■ Pre- and postconsumer food residual waste must be stored in closed, leakproof containers. This waste may not be held in closed containers for more than 72 hours prior to being incorporated into the composting process. ■ Composting pads shall be constructed a minimum of 4 feet above the seasonal high water table. The composting pad shall be constructed of concrete, asphalt, or remolded asphalt. Composting pads constructed of earthen materials are also permitted provided they are no more permeable than 1 x 10^{-6} cm/sec in the uppermost 6 inches as confirmed by on-site testing. The composting pad shall be sloped to prevent the ponding of liquids. ■ Leachate generated at the facility shall be stored in a tank, container, or impoundment prior to treatment or reuse on site, discharge to a wastewater treatment plant, or hauling off site for treatment and/or disposal. ■ A financial bond, which guarantees the removal and proper management of any feedstock, compost, and finished products, is required for facilities larger than 5 acres and for facilities less than 5 acres if the total volume managed at the facility exceeds 6,000 cubic yards/acre. ■ Pre-consumer and postconsumer food residuals, food processing waste, and manure are the only waste streams that may be accepted at the facility in liquid form. ■ Finished compost shall contain no more than 1 percent of synthetic (man-made) inert material, and no more than 0.5 percent of plastic material, as measured using a 4-millimeter sieve. Requires sampling of finished compost, with the frequency determined by the amount produced.	http://files.dep.state.pa.us/Waste/Bureau%20of%20Waste%20Management/lib/landrecwaste/residual_waste/gp/wmgr025.pdf

Citation	Summary & Key Elements	Source
General Permit, WMGM045	**Title:** Standard Conditions **Summary:** Authorizes mixing or blending, screening, and composting on an active or abandoned mine site approved by PADEP, as part of a mine reclamation permit or project, to produce a composting material for beneficial uses. **Key Elements:** ■ Can accept source-separated food processing waste generated in the processing, converting, or manufacturing of fruits, vegetables, and crops into marketable food items; source-separated pre- and postconsumer food wastes; yard waste; source-separated standard and laminated paper, newspaper, and wax-coated cardboard; unpainted and untreated pallets, skids, sawdust, wooden boxes/containers, wood shavings, or slab lumber from saw mills; land-clearing and grubbing waste; and agricultural waste limited to manure, crop residues, uncontaminated feed and grains. ■ Limited to composting facilities that do not exceed 5 acres and where the maximum volume of wastes (i.e., raw material, waste partially processed, finished compost, and manufactured topsoil), at any one time, does not exceed 6,000 cubic yards per acre. ■ Composting pad of concrete, asphalt, or remolded asphalt shall be constructed as follows: a. In a well-drained area; b. Firm and uniformly graded with a slope of 2–4 percent to prevent ponding and control surface water; and c. At least 4 feet above the seasonal high water table. An alternative composting pad constructed of earthen materials may be utilized provided the earthen materials shall not be more permeable than 1×10^{-6} cm/sec in the uppermost 6 inches as confirmed by on-site testing. ■ Permittee shall not cause or allow a point or non-point source discharge of any of the following: industrial or residual wastes; wastewater; combined stormwater runoff and leachate, if generated; or runoff or leachate from the staging, processing, and storage areas where solid waste management activities are conducted.	http://files.dep.state.pa.us/Waste/Bureau%20of%20Waste%20Management/WasteMgtPortalFiles/SolidWaste/Municipal_Waste/GP/WMGM045.pdf
General Permit WMGM042 (2012)	**Title:** Anaerobic Digester[43] **Summary:** Authorizes the anaerobic digestion (AD) of animal manure on a farm mixed with grease trap waste (collected from restaurants or grocery stores) and pre-consumer and postconsumer food waste from commercial or institutional establishments. **Key Elements:** ■ Allows beneficial use: methane gas produced by the AD as fuel, including in the production of electricity; waste solids removed from the digester as animal bedding material at the farm; and liquid waste and solids removed from the digester as a soil additive for agricultural purposes. ■ If fats, oils, and grease are added to the digester, the liquid waste and solids may not be beneficially used as a soil additive if the concentration of fats, oils, and grease exceeds 15,000 milligrams per liter. ■ Cannot cause or allow a point or non-point source discharge of any of the following: residual wastes; liquid waste; combined stormwater runoff and leachate, if generated; or runoff from the staging, processing, and storage areas where solid waste management activities are conducted; to the surface waters of the Commonwealth. ■ For each new food waste type that is proposed to be anaerobically digested under the authorization of this general permit, the permittee shall submit a written request to the appropriate department regional office to conduct a short-term trial project for a new waste type in a limited volume for a period of 1 year or less to determine the feasibility for the beneficial use of new waste type material under this general permit.	http://files.dep.state.pa.us/Waste/Bureau%20of%20Waste%20Management/WasteMgtPortalFiles/SolidWaste/Municipal_Waste/GP/WMGM042.pdf

Citation	Summary & Key Elements	Source
3 Pa. Cons. Stat. § 2303, § 2324, §§ 2371–2379 (1996)	**Title:** Domestic Animal Law **Summary:** Outlines regulations for feeding animals food scraps in Pennsylvania. **Key Elements:** ■ Properly heat-treated animal-derived food scraps can be fed to all domestic animals. ■ Individuals and facilities must obtain a license to feed these food scraps to domestic animals. ■ The law does not apply to non-animal scraps or to individuals feeding household scraps to their own domestic animals.	Law: https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=03&div=0&chpt=23 Legal Fact Sheet: https://www.chlpi.org/wp-content/uploads/2013/12/FINAL-PA-Animal-Feed-Fact-Sheet.pdf

FOOD SAFETY POLICIES FOR SHARE TABLES

Pennsylvania does not have any food safety guidance or policies for food donation.

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

Both Philadelphia and Pittsburgh have individual food systems plans that discuss the current challenges their cities' food systems are facing and offer recommendations on how to improve these systems. Also, in *Setting the Table*, the Governor's Food Security Partnership, consisting of the secretaries of several Pennsylvania agencies, created a plan that addresses food waste, food access, food alliances, the Supplemental Nutrition Assistance Program (SNAP), food programs in schools, and other food assistance programs. *Setting the Table*'s provisions may serve as a blueprint for other municipalities' food system plans, but they do not mandate adherence to its recommendations.

Citation	Summary & Key Elements	Source
Greater Pittsburgh Food Action Plan	**Summary:** This plan, developed by the Pittsburgh Food Policy Council, lists findings on the Allegheny County food system and announces recommendations for a food plan focused on justice, equity, and sustainability. **Key Elements:** Recommendations include: ■ Improved coordination among resources and agencies, facilitated by a full-time food systems coordinator within Allegheny County government and a statewide Pennsylvania Food Policy Council; ■ Improving access to land and capital for farmers, including new farmers and farmers of color; ■ Conducting municipal waste audits; ■ Advocating for food waste reduction legislation; ■ Supporting household food waste reduction; ■ Supporting a robust regional food economy; ■ Expanding food pantry networks; ■ Expanding SNAP, public transportation, and other food access measures; and ■ Supporting food education programs.	https://foodactionplan.org/
A Philadelphia Food Policy Road Map	**Summary:** Developed by the Philadelphia Food Policy Advisory Council, this document maps the food system in the Philadelphia 100-mile foodshed, including its strengths and challenges, and makes recommendations for the food system. **Key Elements:** Recommendations include: ■ Supporting existing policies and programs to end food insecurity and improve nutrition; ■ Supporting local farming and improving labor standards and wages; ■ Appointing a Philadelphia food policy director; and ■ Developing/improving urban agriculture.	https://www.phila.gov/media/20170221163657/A-Philadelphia-Food-Policy-Road-Map-Digital.pdf

Citation	Summary & Key Elements	Source
Setting the Table: A Blueprint for a Hunger-Free PA	**Summary:** Developed by the Governor's Food Security Partnership, composed of secretaries of various Pennsylvania agencies, this plan aims "to provide all Pennsylvanians with access to healthy, nutritious food" and includes goals to be achieved by 2020. **Key Elements:** Recommendations include: ■ Forming local food alliances; ■ Maintaining/increasing access to farmland; ■ Increasing SNAP outreach, school food programs, and other assistance programs; and ■ Increasing food waste reduction programming and instituting food waste reduction and composting programs through the Department of Aging.	https://www.dhs.pa.gov/about/Ending-Hunger/Documents/Setting%20the%20Table.pdf

PLANS TARGETING SOLID WASTE

Although Pennsylvania has identified a department responsible for maintenance of the state's Solid Waste Management Plan, research did not reveal a current plan for the state. As indicated in the table below, Pennsylvania passed an act in 1988 that includes a number of provisions for materials management. This act includes provisions for establishing a fund to support recycling and waste reduction programs.

Citation	Summary & Key Elements	Source
P.L. 556, No.101 Cl. 27	**Title:** Municipal Waste Planning, Recycling and Waste Reduction Act **Summary:** Requires counties to develop and share plans for management of municipal waste systems in their districts. It further establishes waste reduction goals and mechanisms to support related efforts. **Key Elements:** ■ Establishes a fee for waste disposal to support a recycling fund that can be used for various recycling and waste reduction programs, including but not limited to education and outreach, staffing, grant programs, studies, and technical assistance. ■ Sets a goal for educating all residents and employees in Pennsylvania about the financial and environmental benefits of waste reduction and recycling. ■ Identifies goals to generate less municipal waste per capita between the date of enactment and January 1, 1997, after which 25 percent of municipal waste in Pennsylvania must be recycled. ■ Requires commonwealth agencies to evaluate the potential for use of finished compost in land maintenance projects that are supported by public funds.	https://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=1988&sessInd=0&smthLwInd=0&act=0101

CLIMATE ACTION GOALS

As outlined in the following table, Pennsylvania has several initiatives addressing climate change, a number of which focus largely on energy consumption and related emissions. A focus on energy, conservation, and the environment is also included in the Governor's Goals.[44] A number of the items listed below are referenced as the steps Governor Tom Wolf is taking to toward realizing these goals. While several of these documents do not directly address food waste, a reduction in wasted food can contribute to these greenhouse gas emissions goals.

Citation	Summary & Key Elements	Source
Executive Order 2019—07	**Title:** Commonwealth Leadership in Addressing Climate Change Through Electric Sector Emissions Reductions **Summary:** Focuses on the electricity generation sector for reducing carbon dioxide and other greenhouse gas emissions, proposes to develop a budget that will limit state greenhouse gas emissions.	https://www.governor.pa.gov/wp-content/uploads/2019/10/Executive-Order-2019-07-Commonwealth-Leadership-in-Addressing-Climate-Change-through-Electric-Sector-Emissions-Reductions.pdf
Pennsylvania Climate Action Plan 2018	**Summary:** This plan, which is mandated by the Pennsylvania Climate Change Act, P.L. 935, No. 70, is the fourth iteration of this document. It includes the greenhouse gas emission reduction goals identified in Executive Order 2019-01 (see below). **Key Elements:** ■ Also establishes goals to minimize disruptions due to climate change and mitigate future impacts. ■ Recommends, among 19 strategies, an effort to "reduce and use waste sent to landfills." ■ Identifies leadership actions including: □ Implementing programs for residents and businesses to reduce food waste and to compost. □ Encouraging the use of digesters to capture and recover methane. ■ Recommends promoting alternative fuels, including recovery of gas from landfills and through anaerobic digestion of food waste. ■ Identifies an agricultural best practice of reducing personal food waste through better storage and planning. ■ Identifies personal action of participating in community composting as a strategy to reduce waste.	http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1454161&DocName=2018%20PA%20CLIMATE%20ACTION%20PLAN.PDF%20%20%20%3cspan%20style%3D%22color:blue%3b%22%3e%28NEW%29%3c/span%3e
Executive Order 2019-01	**Title:** Commonwealth Leadership in Addressing Climate Change and Promoting Energy Conservation and Sustainable Governance **Summary:** Establishes a goal of reducing greenhouse gas emissions by 26 percent from 2005 levels by 2025, and by 80 percent by 2050. This order also provides a framework to support development of strategies to meet the emissions reductions goals. **Key Elements:** ■ Acknowledges the importance of resource conservation and energy efficiency in mitigating climate impacts. ■ Reestablishes the Governor's Green Government (GreenGov) Council, tasked with incorporating sustainable practices into government activities. ■ Sets performance goals for commonwealth agencies focused on reducing energy consumption, green fleet technology, procurement of renewable energy, and meeting high-performance building standards in construction projects. ■ Establishes a GreenGov certification program for Pennsylvania agencies, maintained by the GreenGov Council, with evaluations based on meeting performance goals. Agencies are required to pursue sustainable actions to meet these goals. ■ Requires departments to collaborate in promoting sustainable resources and resource management practices. ■ Calls on PADEP to support the GreenGov Council in sustainability efforts.	https://www.governor.pa.gov/newsroom/executive-order-2019-01-commonwealth-leadership-in-addressing-climate-change-and-promoting-energy-conservation-and-sustainable-governance/

Citation	Summary & Key Elements	Source
P.L. 935, No. 70 (2008)	**Title:** Pennsylvania Climate Change Act **Summary:** Mandates the development of inventories, reports, and an action plan to address the human and economic impact of climate change in Pennsylvania. **Key Elements:** ■ Requires the development of a report outlining the projected impacts of climate change in Pennsylvania, including its human and economic effects. After the development of the initial document (9 months after the act was adopted), periodic updates are required at least every three years. The law Initiates a process to create a greenhouse gas (GHG) inventory annually, which will inform the climate change action plan. ■ Creates a Climate Change Advisory Committee to support the department in implementing requirements of this act. ■ Establishes a voluntary GHG registry for businesses, governments, institutions, and other organizations to report reductions or avoidances of GHG emissions. ■ Sets forth a process for development of a climate change action plan within 15 months of the act's passage and every three years afterwards. This plan will monitor trends in GHG emissions, identify methods to reduce or offset GHG emissions, evaluate the costs and benefits of recommended actions, and make legislative recommendations to the General Assembly to support plan implementation.	https://www.legis.state.pa.us/WU01/LI/LI/US/HTM/2008/0/0070..HTM

GRANTS AND INCENTIVE PROGRAMS RELATED TO FOOD WASTE REDUCTION

Through its recycling fee system, established by Act 101, Pennsylvania offers a variety of funding mechanisms to support materials management. Certain wasted food prevention and diversion initiatives would be eligible for the grants outlined below.

Citation	Summary & Key Elements	Source
P.L. 572, No.198 Cl. 35 (1974)	**Title:** Pennsylvania Solid Waste—Resource Recovery Development Act **Summary:** Establishes a mechanism by which the commonwealth can provide grants and loans to development agencies for demonstration projects for solid waste disposal or processing and/or a resource recovery system, and grants powers to the PADEP.	https://www.legis.state.pa.us/WU01/LI/LI/US/HTM/1974/0/0198..HTM
Small Business Advantage Grant	**Summary:** Provides 50 percent matching funds up to $7,000 for energy efficiency, pollution prevention, or waste reduction initiatives. **Key Elements:** ■ To be eligible, a business must have no more than 100 full-time employees. ■ Activities must save the business at least $500 and reduce pollution-prevention expenses by 25 percent annually, unless it is a natural resource protection project. ■ Applications opened July 24, 2020, and will be accepted until funds are exhausted.	https://www.dep.pa.gov/Citizens/GrantsLoansRebates/SmallBusinessOmbudsmanOffice/Pages/Small%20Business%20Advantage%20Grant.aspx
Environmental Education Grants Program **Environmental Education Act, P.L. 105, No. 24 Cl. 24 (1993)**	**Summary:** Provides funding for formal and informal education projects that focus on environmental topics, established by the Environmental Education Act. **Key Elements:** ■ Available for schools, incorporated conservation and education organizations, colleges and universities, conservation districts, nonprofits, and businesses. ■ Since program initiation, has awarded $12 million in funding. ■ Mini grant awards are available for up to $3,000, and recipients are strongly encouraged, but not required, to provide matching funds. General grants are also available in two levels -ranging in levels from $3,001 to $20,000 and $20,001 to $85,000, and require a 20 percent match. ■ Funding is typically provided on an annual basis, with applications opening in September and closing in December for a grant period starting the following July.	DEP Guidance: https://www.dep.pa.gov/Citizens/EnvironmentalEducation/Grants/Pages/default.aspx Law: https://www.legis.state.pa.us/WU01/LI/LI/US/PDF/1993/0/0024..PDF

Citation	Summary & Key Elements	Source
903 County Recycling Coordinator Grant **Municipal Waste Planning, Recycling and Waste Reduction Act,** **P.L. 556, No. 101, Cl. 27 §903 (1988)**	**Summary:** Provides 50 percent reimbursement for expenses and salaries for a county recycling coordinator. **Key Elements:** ■ Funds are disbursed from the Recycling Fund, paid for by a $2-per-ton recycling fee on all waste disposal. ■ To be eligible, counties must comply with conditions outlined in previous grants and the regulations of Act 101. ■ Applications are accepted beginning on January 1 for the following year.	DEP Guidance: https://www.dep.pa.gov/Business/Land/Waste/Recycling/Municipal-Resources/FinancialAssistance/Pages/default.aspx Law: https://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=1988&sessInd=0&smthLwInd=0&act=101&chpt=9&sctn=3&subsctn=0
901 Municipal Waste Planning Grant **Municipal Waste Planning, Recycling and Waste Reduction Act, P.L. 556, No. 101, Cl. 27 §901 (1988)**	**Summary:** Supports county governments in developing municipal waste management plans, conducting related studies or research, conducting feasibility studies for composting facilities, and implementing educational programs and technical assistance. **Key Elements:** ■ Funds of 80 percent of project costs up to $75,000 are available per municipality per year. ■ A pre-application conference is required with PADEP before pursuing funding, in addition to a pre-application.	DEP Guidance: https://www.dep.pa.gov/Business/Land/Waste/Recycling/Municipal-Resources/FinancialAssistance/Pages/default.aspx Law: https://www.legis.state.pa.us/WU01/LI/LI/US/HTM/1988/0/0101..HTM
902 Recycling Program Development and Implementation Grant **Municipal Waste Planning, Recycling and Waste Reduction Act, P.L. 556, No. 101, Cl. 27 §902 (1988)**	**Summary:** Provides funding for county and municipal recycling programs, including reimbursement of up to 90 percent of eligible program expenses. **Key Elements:** ■ A pre-application conference is required with PADEP before pursuing funding, in addition to a pre-application. ■ Applications are due September 24, 2021 at 5:00 pm.	DEP Guidance: https://www.dep.pa.gov/Business/Land/Waste/Recycling/Municipal-Resources/FinancialAssistance/Pages/default.aspx Law: https://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=1988&sessInd=0&smthLwInd=0&act=101&chpt=9&sctn=2&subsctn=0
904 Recycling Performance Grant **Municipal Waste Planning, Recycling and Waste Reduction Act, P.L. 1347, No. 140 Cl. 27 §904 (2006)**	**Summary:** Provides performance-based grants to municipalities operating successful recycling programs based on type and weight of source-separated recyclable materials and population of the municipality. **Key Elements:** ■ Available to municipalities; requires application to PADEP. ■ Application period opened April 17, 2021 at 8 am and closes December 30, 2021 at 5 pm.	DEP Guidance: https://www.dep.pa.gov/Business/Land/Waste/Recycling/Municipal-Resources/FinancialAssistance/Pages/default.aspx Law: https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2006&sessInd=0&act=140

Citation	Summary & Key Elements	Source
Food Recovery Infrastructure Grant **P.L. 556, No. 101 Cl. 27 §3011 (1988)**	**Summary:** Grant funding was offered through PADEP to support registered nonprofit organizations' efforts to reduce food waste, through application to the Department of Community and Economic Development. **Key Elements:** ■ Funds were available from the Recycling Fund to procure equipment for food preparation, transportation, and storage, including installation and shipping costs. ■ Matching funds for the project included costs related to program implementation and operation, such as fuel, labor, and interest payments. ■ Awardees were required to maintain the expanded program for three years after the award to keep the grant funding; programs that failed to do so were subject to requirements to partially or fully reimburse PADEP. ■ Funding opportunity has been closed with no set date for new rounds, due to funding restrictions.	DEP Guidance: https://www.dep.pa.gov/Business/Land/Waste/Recycling/Municipal-Resources/FinancialAssistance/Pages/default.aspx DEP Pre-application: http://files.dep.state.pa.us/Waste/Recycling/RecyclingPortalFiles/Documents/FoodInfrastructureGrant-Pre-ApplicationDocument2020.pdf Law: https://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=1988&sessInd=0&smthLwInd=0&act=101&chpt=3&sctn=1&subsctn=0

Washington, D.C., Food Waste Policy Gap Analysis

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Organics Disposal Bans and Recycling Laws	**Moderate Policy** D.C.'s Zero Waste Omnibus Amendment Act of 2020 requires certain entities to source-separate back-of-house commercial food waste.[45] It also requires all private collection properties to separate their excess edible food for donation.	■ When feasible, extend the mandatory organics recycling law to cover all commercial entities and front-of-house food service, as well as individual households.
Date Labeling	**Moderate Policy** District regulations require date labels on certain foods. The Save Good Food Amendment Act of 2018 charges the D.C. Department of Health with updating these regulations with new ones that focus on reducing the amount of safe, quality food that is wasted.[46] The new regulations were supposed to be released by March 30, 2019, but had yet to be issued as of April 2021.	■ Update the District's date labeling regulations, as required by the Save Good Food Amendment Act. □ These updates should be in alignment with federal guidance. ■ Under the Save Good Food Amendment, launch a consumer education campaign on quality-based versus safety-based labels and issue guidance stating explicitly that foods past their quality date may be donated and/or frozen.
Food Donation Liability Protections	**Strong Policy** D.C.'s liability protections are more extensive than the Bill Emerson Good Samaritan Food Donation Act of 1996, as they provide protections for donations directly to needy individuals and for donations that are eventually supplied for a small or nominal fee.	■ Issue guidance clarifying that donations of past-date foods with a quality-based date label can receive liability protection under District law.
Tax Incentives for Food Rescue	**Weak Policy** In 2018 the D.C. Council authorized new tax credits for food donations by District taxpayers.[47] However, funds for these credits have not yet been appropriated.	■ Appropriate money to the tax credit incentive program. ■ Offer additional tax deductions or tax credits for donating food or diverting food waste that partially or fully offset the costs associated with donation, including transportation. ■ Provide a tax credit for donation by farmers.
Organics Processing Infrastructure Permitting	**No Policy** Though D.C. currently maintains small composting facilities, it has no permitting requirements for organics processing in the form of composting or anaerobic digestion. The D.C. Department of Health requires new businesses to file a variance request when submitting their operations plans if they want to use an on-site composter.	■ Create a regulatory tier that includes source-separated food waste, has simplified permitting for the addition of food scraps at existing yard trimmings composting facilities, and offers an exemption from permitting for small-scale and/or community composting operations. ■ Follow best management practices for composting of source-separated food scraps in creating these regulations. ■ Develop a separate permitting pathway for anaerobic digestion of source-separated food waste that includes, where applicable, requirements similar to those imposed on composting source-separated food waste. ■ Bolster the market for finished compost by enacting procurement requirements for commercial developers and/or government agencies (e.g., mandatory consideration of a bid for use of compost).
Food Safety Policies for Share Tables	**Strong Policy** D.C. has created guidelines for rescue of surplus food in schools, including food safety requirements for share tables in school cafeterias.	■ Promote opportunities for schools to increase food rescue through share tables and other methods.
Food Systems Plans, Goals, and Targets	**Strong Policy** Every year the D.C. Food Policy Council identifies priorities across five themes to strengthen the District's food systems.	■ Ensure that District prioritizes wasted food reduction strategies.

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Plans Targeting Solid Waste	**Strong Policy** D.C. outlines waste diversion goals and makes recommenda-tions for diversion in the Sustainable D.C. Plan 2.0, including management of food waste.[48] D.C. has also established a goal of developing a zero waste plan and addresses food waste reduction in an amendment to its Sustainable Solid Waste Management Act.[49]	■ Develop and publish a zero waste plan to outline a strategy for reaching an 80 percent solid waste diversion rate.
Climate Action Goals	**Weak Policy** D.C. has several plans focused on climate and energy (e.g., Pledge to Make Washington, D.C. Carbon-Neutral and Climate Resilient by 2050, Climate Ready D.C. Plan), but explicit inclusion of the waste sector is limited.[50]	■ Task specific departments with actionable next steps for advancing emissions reductions in the context of reducing food waste. ■ Directly incorporate specific recommendations for reducing food waste into climate action planning.
Grants and Incentive Programs Related to Food Waste Reduction	**Moderate Policy** D.C. has developed numerous initiatives to promote small-scale composting as well as innovative financing approaches, which can be used to further food waste reduction efforts.	■ Expand grant programs to offer dedicated funding for food waste reduction efforts. ■ Establish a free technical assistance program to help businesses comply with the organics waste ban. Local technical assistance programs can support these efforts.

Washington, D.C., Food Waste Policy Inventory

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

As outlined in the table below, Washington, D.C., recently passed the Zero Waste Omnibus Amendment Act, which became effective on March 16, 2021.

Citation	Summary & Key Elements	Source
D.C. Law 23-211,	**Title:** Zero Waste Omnibus Amendment Act of 2020 **Summary:** This act amends the Sustainable Solid Waste Management Amendment Act of 2014 to incorporate broader considerations for materials management, including providing technical support for source separation of compostable materials for certain entities. **Key Elements:** ■ Requires certain private collection properties to source-separate back-of-house commercial food waste and all private collection properties to separate their excess edible food for donation. ■ Requires the mayor to develop a plan for comprehensive organics site management and recycling infrastructure in the public space. ■ Creates a reuse and donation program to prevent more waste from going to landfills. ■ Establishes a uniform recycling labeling scheme and requires waste collectors to address contamination in the recycling stream.	https://code.dccouncil.us/dc/council/acts/23-542.html

DATE LABELING

As shown in the table below, District regulations require date labels on certain foods. However, the Save Good Food Amendment Act of 2018 charges the D.C. Department of Health with updating these regulations with new ones that focus on reducing the amount of safe, quality food that is wasted. The new regulations were supposed to be released by March 30, 2019, but have yet to be issued as of May 2021. There are no restrictions on donations after the labelled date on food items.

Citation	Summary & Key Elements	Source
D.C. Law 22-212 Sec. 3a. (2019)	**Title:** Save Good Food Amendment Act of 2018 **Summary:** With respect to date labels, this law charges the Department of Health with updating its date labeling regulations. **Key Elements:** ■ Prohibits the Department of Health from requiring a date label on food products that do not pose an increased safety risk to consumers after the stated date. ■ Prohibits the Department of Health from limiting the sale or donation of food products after their labeled date unless there is an increased safety risk to consumers after that date. ■ Requires the Department of Health to issue new regulations within 120 days of the effective date of this section of the law.	https://code.dccouncil.us/dc/council/laws/22-212.html#:~:text=To%20amend%20Chapter%2018%20of,liability%20protections%20for%20food%20donations

Citation	Summary & Key Elements	Source
D.C. Mun. Regs. tit. 25- A, § 9901	**Title:** Food and Food Operations Code for Food Operations and Community Hygiene Facilities. Chapter 25-A99: Definitions **Summary:** This food code chapter defines several terms related to date labeling requirements. **Key Elements:** ■ "Pull date" is defined as the date after which a food may not be sold, unless food is isolated and prominently labeled as being beyond the last date that the food should be sold without a significant risk of spoilage. ■ "Potentially hazardous foods" include but are not limited to any food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.	https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=25-A9901
D.C. Mun. Regs. tit. 25-A, § 718	**Title:** Food and Food Operations Code for Food Operations and Community Hygiene Facilities. Chapter 25-A7: Sources, Specifications, and Original Containers and Records for Food **Summary:** This food code chapter outlines parameters for handling food based on date labeling requirements. **Key Elements:** ■ Requires date labeling for potentially hazardous foods including, but not limited to, dairy, meat, poultry, and eggs. ■ If any food that has a pull date is rewrapped, the new package must be labeled "REWRAPPED" and give the original pull date.	https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=25-A718
D.C. Mun. Regs. tit. 25-B, § 3606	**Title:** Food Processing Operations Code for Food Operations and Community Hygiene Facilities. Chapter 25-B36: Prohibited Conduct and Practices **Summary:** This food code chapter outlines several requirements related to selling or repackaging food that is older than its pull date. **Key Elements:** ■ No packaged perishable food is permitted to be sold, traded, or bartered if it is beyond the pull date. ■ It is not permitted to repackage or rewrap packaged perishable food with a pull date that is different from the original pull date.	https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=25-B3606
D.C. Mun. Regs. tit. 25-B, § 2403	**Title:** Food Processing Operations Code for Food Operations and Community Hygiene Facilities. Chapter 25-B24: Tags, Labeling & Recordkeeping **Summary:** This food code chapter relates specifically to handling procedures for shellfish, identifying requirements for labeling and recordkeeping. **Key Elements:** ■ Date labeling is required for shucked shellfish. ■ Each individual package that has less than 64 fluid ounces of fresh or frozen shellfish is labeled with the shucker-packer's or repacker's certification number and either a "sell by" date that reflects a reasonable shelf life or a "Best if used by" date indicating when the product is expected to reach the end of its shelf life. If the shellfish is freshly frozen, the year should be included in the date. ■ If an individual package contains 64 fluid ounces or more of fresh or frozen shellfish, it must be labeled with the shucker-packer's or repacker's certification number and the words "DATE SHUCKED" followed by the appropriate date. If the shellfish is freshly frozen, the year must be included in the date.	https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=25-B2403

FOOD DONATION LIABILITY PROTECTIONS AND TAX INCENTIVES FOR FOOD RESCUE

As shown in the table below, District law provides civil and criminal liability protection for food donation to a broad range of food donors and distributing nonprofits. In addition, in 2018 the D.C. Council authorized new tax credits for food donations by District taxpayers; however, funds for these credits have not yet been appropriated.

Citation	Summary & Key Elements	Source
D.C. Code § 48-301	**Title:** Donated Foods Code for Food and Drugs section. Title 48, chapter 3, section 1, Immunity from Liability **Summary:** This section offers civil and criminal liability protection to food donors and nonprofit organizations that receive and distribute donated food free of charge or at a nominal fee. **Key Elements:** ■ Provides both civil and criminal liability protection to those who donate food, in good faith, to a charitable or nonprofit organization or directly to an individual, unless there is gross negligence or intentional misconduct. ■ Provides both civil and criminal liability protection to charitable or nonprofit organizations that, in good faith, receive and distribute donated food free of charge or at a nominal fee. ■ Does not protect donors and recipient organizations under District law if the ultimate recipient is injured as a result of the gross negligence or intentional misconduct of said donors or organizations.	https://code.dccouncil.us/dc/council/code/sections/48-301.html
D.C. Code § 47-1806.16, 1807.15, 1808.15 (2019)	**Title:** Credits—Tax Credit for Food Donations **Summary:** In 2018 the D.C. Council authorized tax credits for food donations by individual taxpayers, incorporated businesses, and unincorporated businesses. However, funds for these credits have not been appropriated; as such, taxpayers are not able to claim the credit as of May 2021. **Key Elements:** ■ All taxpayer donors are eligible to receive a tax credit of up to 50 percent of the fair market value of the food commodity donation (up to $2,500 annually for individuals and up to $5,000 annually for incorporated and unincorporated businesses). ■ To claim the credit, food donations must be made to a 501(c)(3) nonprofit organization.	https://code.dccouncil.us/dc/council/code/sections/[47-1806.16].html https://code.dccouncil.us/dc/council/code/sections/[47-1807.15].html https://code.dccouncil.us/dc/council/code/sections/[47-1808.15].html

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

The District of Columbia does not currently have any regulations on its books for commercial-scale composting facilities, according to the Department of Public Works (DPW). All source-separated organics collected in the District—e.g., at farmers markets, at curbside by private subscription services, or from commercial/institutional food scrap generators—are transported out of the District to composting facilities in Maryland and Virginia.

There are small-scale (primarily three-bin "hot" composting setups) at parks and community gardens throughout the District.[51] The District of Columbia's Department of Parks and Recreation is the only D.C. agency that operates community-scale sites; these are typically established on its own property and overseen by the DPR or contractors it engages to help operate the sites.

Currently, there are no laws related to the diversion of food waste to animal feed in the District.

FOOD SAFETY POLICIES FOR SHARE TABLES

As indicated below, the D.C. Department of Health and Department of General Services have created voluntary guidance on share tables in District schools.

Citation	Summary & Key Elements	Source
Share Tables: Guidance for D.C. Schools (2018)	**Key Elements:** ■ Includes information on how share tables work and how a school can set one up. ■ Provides lists of food items that can be placed on share tables, items that can be donated, and items that should not be shared or donated.	https://dgs.dc.gov/sites/default/files/dc/sites/dgs/publication/attachments/Share%20Table%20Guide%20for%20DC%20Schools.pdf

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

Every year the D.C. Food Policy Council identifies priorities across five themes to strengthen the District's food systems. The Council's 2020 priorities are summarized below.

Citation	Summary & Key Elements	Source
D.C. Food Policy Priorities (2020)	**Summary:** The 2020 D.C. Food Policy Priorities list the D.C. Food Policy Council's top priorities for each of five thematic areas: 1) food access and equity, 2) entrepreneurship and food jobs, 3) nutrition and food system education, 4) urban agriculture, and 5) sustainable supply chain. **Key Elements:** Recommendations include: ■ Create a D.C. Good Food Investment Fund to invest in locally owned food businesses serving District neighborhoods with poor access to healthy food. ■ Determine how District food policy can address climate change and increase the District's preparedness for severe weather events. ■ Develop best practices for institutional food procurement in the District.	https://dcfoodpolicy.org/2020-dc-food-policy-priorities-2/

PLANS TARGETING SOLID WASTE

As outlined in the table below, D.C. has established a goal to develop a Zero Waste Plan that will outline a strategy to reach an 80 percent diversion rate, and a Sustainable D.C. Plan 2.0, which provides a strategy for implementing a variety of initiatives focused on sustainability. Additionally, an amendment to the Sustainable Solid Waste Management Act established new requirements to support reduction of waste, including food waste.

Citation	Summary & Key Elements	Source
D.C. Law 20-154	**Title:** Sustainable Solid Waste Management Amendment Act of 2014 **Summary:** This act established a solid waste hierarchy for the District. It requires mandatory source separation of materials and empowers the mayor to contract with composting facilities and to establish a Solid Waste Division Fund. It also requires the mayor to provide annual waste diversion updates to the D. C. Council. **Key Elements:** ■ Requires the District to establish a plan for 80 percent waste diversion and to provide annual progress reports. ■ Required the mayor to submit a report on the status of establishing a compost collection program by January 1, 2016. ■ Identifies a sustainable solid waste management hierarchy and requires source separation of solid waste (recyclable, compostable, trash). ■ Mandates that haulers provide annual reporting on material collected, including compost. ■ Establishes an Office of Waste Diversion within the DPW and an Interagency Waste Reduction Working Group that is required to develop a zero waste plan for the District. ■ Authorizes the mayor to contract for the operation of composting facilities as well as marketing compost. ■ Establishes a Solid Waste Diversion Fund. ■ Requires annual reporting about waste diversion in the District. ■ Requires the implementation of a waste characterization study every four years, beginning in 2018.	https://code.dccouncil.us/dc/council/laws/20-154.html https://code.dccouncil.us/dc/council/code/titles/8/chapters/10A/

Citation	Summary & Key Elements	Source
Sustainable D.C. Plan 2.0 (2018)	**Summary:** This plan addresses a broad range of environmental, economic, and social needs and outlines goals that are aligned with existing plans. It also lays the groundwork for additional plans related to energy, climate, and zero waste. Covering 13 topics, the plan outlines 36 goals and 167 actions. **Key Elements:** ■ Addresses food waste through Food Goal 4 and Waste Goal 1. ■ Identifies Citywide infrastructure for composting and recycling as one of the top six "Community Priorities" for the plan, based on feedback collected through the planning process. ■ Establishes a goal to prevent food waste, rescue surplus food, and recycle food scraps, with a target to reduce food waste generation by 60 percent by 2032 (measured against baselines derived from the 2021 Waste Characterization Study).[52] Efforts identified to support this goal include: □ Benchmarking current practices through a food waste assessment; □ Providing education about prevention, rescue, and liability protections to businesses and institutions; □ Modifying policies (such as tax credits and liability protection) to encourage food donation from businesses, schools, and institutions; and □ Providing residential and business education about reducing food waste through procurement, storage, and disposal techniques. ■ Encourages collaboration with stakeholders, such as the D.C. Food Recovery Working Group, to implement strategies. ■ Establishes a goal to reduce waste generated per capita in the District, with a target to reduce it by 15 percent by 2032 compared to a target baseline of 7.61 pounds per capita per day. Steps to support this effort that focus on food waste include: □ Creating a zero waste plan; □ Conducting a feasibility study of incentivized disposal billing structures (such as Save As You Throw); and □ Expanding use of environmentally preferable products and services. ■ Establishes a goal to achieve zero waste citywide, with a target to reach 80 percent waste diversion by 2032 as compared to a target baseline of 20.96%. Strategies related to food waste include: □ Modifying curbside collection options to include organics collection of food and yard waste; □ Increasing organics processing capacity in the District through development of a new facility; and □ Providing community outreach and education about waste diversion.	https://sustainable.dc.gov/sdc2
D.C. Act 23-542	**Title:** Zero Waste Omnibus Amendment Act of 2020 **Summary:** This act amends the Sustainable Solid Waste Management Amendment Act of 2014 to require the mayor to prepare plans for organics management and recycling infrastructure. Additional detail is provided in the *Organics Disposal Bans and Recycling Laws* table, above.	https://code.dccouncil.us/dc/council/acts/23-542.html

CLIMATE ACTION GOALS

While the District has several plans focused on climate and energy, explicit inclusion of the waste sector in these documents is limited.

Citation	Summary & Key Elements	Source
Pledge to Make Washington, D.C., Carbon-Neutral and Climate Resilient by 2050 (2017)	**Summary:** Mayor Muriel Bowser pledged at the North American Climate Summit in late 2017 to reduce carbon emissions 50 percent by 2032 and 100 percent by 2050 as compared to a 2006 baseline year.	https://mayor.dc.gov/release/mayor-bowser-commits-make-washington-dc-carbon-neutral-and-climate-resilient-2050
Climate Ready D.C. Plan (2016)	**Summary:** This plan was developed in recognition of a need to adapt to prepare the District for future climate change. It outlines a strategy to move the city forward on a path to improve living conditions while reducing greenhouse gas emissions. **Key Elements:** ■ Reiterates the District's goal of reducing greenhouse gas emissions by 50 percent by 2032 and 80 percent by 2050. ■ Focuses less on development of climate mitigation efforts and more squarely on adjusting to flooding, increased temperatures, and other risks associated with climate change.	https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/CRDC-Report-FINAL-Web.pdf
Climate of Opportunity (drafted 2010)	**Summary:** This plan was developed in response to the Mayor's Green D.C. Agenda, released in 2009, requiring the creation of a plan to address climate change. It outlines strategies and targets to limit the city's greenhouse gas emissions. **Key Elements:** ■ Established a goal to increase the recycling rate at District facilities to 30 percent by 2012 and 50 percent by 2020, up from the then-current rate of 22 percent. ■ Committed the DPW to collaborating with the commercial sector to increase recycling rates to 45 percent diversion, with an added focus on organic waste reduction. ■ This plan is being updated to align with goals from current initiatives and strategic plans.	https://doee.dc.gov/sites/default/files/dc/sites/ddoe/publication/attachments/ClimateOfOpportunity_web.pdf

GRANTS AND INCENTIVE PROGRAMS RELATED TO FOOD WASTE REDUCTION

The District has developed initiatives to promote small-scale composting as well as innovative financing approaches, as noted in the following table. These initiatives can be used to further food waste reduction efforts.

Citation	Summary & Key Elements	Source
DOEE—Grants and Other Funding	**Summary:** The Department of Energy & Environment (DOEE) maintains a list of available funding opportunities for a variety of environmental projects. This list is updated periodically. **Key Elements:** ■ At the time of review, no funding opportunities were direct fits with projects focused on food waste reduction. ■ Funding opportunities may include requests for applications, requests for proposals, and other collaborative funding applications. ■ An example of a past funding opportunity was "Supporting Green Initiatives," which funded projects to bolster the green economy and further the District's climate and sustainability goals. This opportunity ended in April 2020.	https://doee.dc.gov/page/grants-and-other-funding

Citation	Summary & Key Elements	Source
Department of Small and Local Business Develop-ment—Green D.C. Restaurants Action Manual	**Summary:** This guide is designed to support restaurants and businesses with implementing sustainable shifts in operations, and offering tools, tips for finding financial assistance, and other resources. **Key Elements:** ■ Provides information about requesting a free waste assessment through the DPW's Commercial Recycling program.	https://dslbd.dc.gov/sites/default/files/u23/Green%20DC%20Restaurants%20Action%20Manual%205l216.pdf
D.C. Green Bank	**Summary:** Created to encourage private investment in green technology, the D.C. Green Bank offers loans, leases, credit enhancements, and other financing services to close funding gaps for clean energy projects and energy efficiency improvements. **Key Elements:** ■ Launched through the District of Columbia Green Finance Authority Establishment Act of 2018, which was signed into law on July 2, 2018.	https://dcgreenbank.org/
D.C. Act 22-373: Home Composting Incentives Amendment Act of 2018	**Summary:** Amends the Sustainable Solid Waste Management Amendment Act of 2014 to include incentives to promote home composting. **Key Elements:** ■ Creates an incentive for District residents by providing a rebate to those who participate in the Home Composting Incentive Program and install an approved home composting system.	https://code.dccouncil.us/dc/council/laws/22-146.html
D.C. Code § 38-825.03. School Gardens Program	**Summary:** Outlines the process for establishment of school gardens and requires the inclusion of a compost demonstration site when feasible.	https://code.dccouncil.us/dc/council/code/sections/38-825.03.html
D.C. Act 23-542	**Title:** Zero Waste Omnibus Amendment Act of 2020 **Summary:** This act amends the Sustainable Solid Waste Management Amendment Act of 2014 to establish a grant program for on-site organic processing equipment. It also amends the Healthy Schools Act of 2010 to establish grants for food waste programs and to encourage share tables at public and public charter schools. Additional detail is provided in the *Organics Disposal Bans and Recycling Laws* table, above. **Key Elements:** ■ Establishes a grant program, to be administered by the DPW, to financially assist a business or nonprofit organization in the lease or purchase of an on-site organic processing system, such as an in-vessel composter or aerobic digester. ■ Enables the Office of the State Superintendent for Education to issue grants through a competitive process or a formula grant process to local education agencies, schools, nonprofit organizations, or partnerships developed among schools or with nonprofit organizations to support efforts to address food and food packaging waste, including implementation and management of share tables; purchase or provision of reusable food serviceware, including from third-party reusable food serviceware providers; and other food waste and food waste packaging reduction programs.	https://code.dccouncil.us/dc/council/acts/23-542.html

Food Waste Reduction Policy Gap Analysis: Policy Assessment Rubric

Organics Disposal Bans and Recycling Laws	Date Labeling	Food Donation Liability Protections	Tax Incentives for Food Rescue	Organics Processing Infrastructure Permitting	Food Safety Policies for Share Tables	Food Systems Plans, Goals, and Targets	Plans Targeting Solid Waste	Climate Action Goals	Grants and Incentive Programs Related to Food Waste Reduction
NO POLICY									
No organics disposal bans or mandatory organics recycling laws for food waste have been enacted, and there is no financial incentive structure to encourage food donation or food waste diversion.	There are no laws pertaining to date labels on food products.	There is no state-based liability protection for donated food.	There are no tax incentives for food donation.	Solid waste regulations have no separate streamlined tier for processing source-separated organics. That is, food waste composting is considered solid waste composting, and this presents a barrier to entry for small composters. There is no acknowledgment of anaerobic digestion of source-separated organics from the municipal solid waste stream. No exemption tier exists for small quantities of source-separated food waste.	N/A	No regional or statewide food systems plans exist. Some local plans may exist.	No solid waste management plan or organics management plan exists at the state level.	No climate action goals exist.	No state plans, programs, or policies allocate funding or incentives to support food waste reduction.

Organics Disposal Bans and Recycling Laws	Date Labeling	Food Donation Liability Protections	Tax Incentives for Food Rescue	Organics Processing Infrastructure Permitting	Food Safety Policies for Share Tables	Food Systems Plans, Goals, and Targets	Plans Targeting Solid Waste	Climate Action Goals	Grants and Incentive Programs Related to Food Waste Reduction
WEAK POLICY									
Organics disposal bans or mandatory organics recycling laws have been enacted but are ineffective due to exemptions, limited scope, and/or lack of guidance.	The state requires date labels for certain foods and prohibits or limits the sale or donation of food after its label date.	State-based liability protections for food donation exist but are no broader than the federal-level protections or cover either food donors or food rescue organizations, but not both.	N/A	There is a regulatory tier that includes source-separated organics, but at least two of the following are true: ■ Requirements for composting source-separated organics are the same as those for composting mixed solid waste, creating significant barriers to opening a facility. ■ Quantity or acreage limitations for source-separated organics tier(s) negatively impact economic viability of operation. ■ Regulations include language about anaerobic digestion of source-separated organics but are vague or have no language addressing what is allowed.	Share tables are allowed, but the state provides no resources or guidance on food donation safety, OR the state's share table rules are more restrictive than federal guidance.	Some regional food systems plans exist, but they do not have the support of the state and do not adequately consider food waste reduction in food systems planning.	Solid waste management plans exist but are out of date (more than 10 years old) and do not highlight food waste as a diversion opportunity (via prevention, rescue, donation, and/or processing through composting or anaerobic digestion).	Climate action goals exist, but one of the following is true: ■ Goals are in the form of executive orders, with no legislative framework. ■ There has been limited legislative action but no real framework or actionable next steps to achieve targets.	Grants, incentives, or funds for food waste reduction are available, but more than one of the following is true: ■ Funding is not explicitly allocated for food waste reduction work as opposed to other diversion strategies. ■ Funding opportunities are not made known to or accessible to relevant applicants. ■ Available funding is unsustainable or insufficient to support desired activities (includes the issuance of one-time grants but does not include funding on pause due to COVID-19). ■ No technical assistance is available to food service waste generators to support food waste reduction efforts.

Organics Disposal Bans and Recycling Laws	Date Labeling	Food Donation Liability Protections	Tax Incentives for Food Rescue	Organics Processing Infrastructure Permitting	Food Safety Policies for Share Tables	Food Systems Plans, Goals, and Targets	Plans Targeting Solid Waste	Climate Action Goals	Grants and Incentive Programs Related to Food Waste Reduction
MODERATE POLICY									
Organics disposal bans or mandatory recycling laws are imposed on select commercial generators, with few exemptions.	The state requires date labels for certain foods but does not prohibit or limit the sale or donation of food after its label date.	State-based liability protections cover donations directly to individuals or donations that are supplied for a small fee, or are otherwise slightly more expansive than the federal-level protections.	The state offers a tax incentive for donating food, but the incentive does not fully offset the costs associated with donation, including transportation.	There is a regulatory tier that includes source-separated organics, and the state may have committed to market development for recycled organic materials, but one of the following is true: ■ Requirements for composting source-separated organics are the same as those for composting mixed solid waste, creating significant barriers to opening a facility. ■ Quantity or acreage limitations for source-separated organics tier(s) negatively impact economic viability of operation. ■ Regulations include language about anaerobic digestion of source-separated organics but are vague or have no language addressing what is allowed.	Share tables are allowed, and the state provides share table guidance, though that guidance is limited.	Robust regional food systems plans or state food systems plans exist, but one of the following is true: ■ Framework or support to achieve targets is limited. ■ There is no coordination with other regional food systems plans (if no state plan exists). ■ Plans' consideration of food waste reduction is inadequate.	Solid waste management plans and/or organics management plans exist and highlight food waste as a diversion opportunity (via prevention, rescue, donation, and/or processing through composting or anaerobic digestion) but are out of date (more than 10 years old) or have limitations.	Climate action goals exist, and one of the following is true: ■ Legislated climate action planning sets forth recommendations for reducing food waste. ■ Specific departments have been tasked with actionable next steps for moving policy forward.	Grants, incentives, or funds for food waste reduction are available, and one of the following is true: ■ Funding is not explicitly allocated for food waste reduction work as opposed to other diversion strategies. ■ Available funding is unsustainable or insufficient to support desired activities. ■ No technical assistance is available to food service waste generators to support food waste reduction efforts.

Organics Disposal Bans and Recycling Laws	Date Labeling	Food Donation Liability Protections	Tax Incentives for Food Rescue	Organics Processing Infrastructure Permitting	Food Safety Policies for Share Tables	Food Systems Plans, Goals, and Targets	Plans Targeting Solid Waste	Climate Action Goals	Grants and Incentive Programs Related to Food Waste Reduction
STRONG POLICY									
Organics disposal bans or mandatory recycling laws for food waste have been enacted and are enforced for all commercial generators (and potentially for individuals at the household level).	The state maintains a standardized, mandatory date labeling policy that clearly differentiates between quality-based and safety-based labels; the state does not prohibit or limit the sale or donation of food after its label date; and the state has issued clear permission to donate after the quality-based date.	State-based liability protections are more expansive than the Bill Emerson Good Samaritan Food Donation Act and apply to donations directly to individuals as well as donations that are supplied to the final consumer for a small fee.	The state offers tax deductions or tax credits for donating food that offset the costs associated with donation, including transportation.	The state has a regulatory tier that includes source-separated organics and has committed to market development for recycled organic materials, and all of the following are true: ■ Policy reduces barriers to entry for composting source-separated organics, such as through simplified permitting for the addition of food scraps at existing yard trimmings composting facilities or via exemption from permitting for small-scale and/or community composting operations. ■ Restrictions imposed on facility design and operation are in sync with best management practices for composting of source.-separated organics. ■ There is a separate permitting pathway in solid waste regulations for anaerobic digestion of source-separated food waste that includes, where applicable, requirements similar to those imposed on composting source separated food waste—for example, contaminant limits on digestate that are similar to limits imposed on compost.	Share tables are allowed and encouraged, and the state provides state-specific guidelines or instructions about food safety as it relates to donation.	The state has developed comprehensive, statewide food systems plans, and both of the following are true: ■ There is a robust framework or support to achieve clear goals and targets. ■ Reduction of food loss and waste is a major component of food systems plans.	Solid waste management plan, zero waste plan, or organics management plan is kept current, and it outlines waste diversion goals and recommen-dations for diversion, including reduction of food waste (via prevention, rescue, donation, and/or processing through composting or anaerobic digestion).	Climate action goals exist, and both of the following are true: ■ Legislated climate action planning sets forth recommendations for reducing food waste. ■ Specific departments have been tasked with actionable next steps for moving policy forward.	Grants, incentives, or funds for food waste reduction are available, and all of the following are true: ■ Funding is explicitly allocated for food waste reduction work as opposed to other diversion strategies. ■ Available funding is sustainable and sufficient to support desired activities. ■ Free technical assistance is available to food service waste generators to support food waste reduction efforts.

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