



REPORT

WASHINGTON, D.C. FOOD WASTE POLICY GAP ANALYSIS AND INVENTORY



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Table of Contents

Glossary of Terms	4
Introduction	5
Policy Gap Analysis Approach and Applications.....	5
Washington, D.C. Food Waste Policy Gap Analysis	12
Washington, D.C. Food Waste Policy Inventory	14
Food Waste Reduction Policy Gap Analysis Rubric	22

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 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 landscape and how it helps and/or hinders efforts to reduce food waste.

The 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 inventory provides 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.

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.

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. ² It also requires all private collection properties to separate their excess edible food for donation.	<ul style="list-style-type: none"> ■ 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. ³ The new regulations were supposed to be released by March 30, 2019, but had yet to be issued as of April 2021.	<ul style="list-style-type: none"> ■ Update the District's date labeling regulations, as required by the Save Good Food Amendment Act. <ul style="list-style-type: none"> □ 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.	<ul style="list-style-type: none"> ■ 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. ⁴ However, funds for these credits have not yet been appropriated.	<ul style="list-style-type: none"> ■ 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.	<ul style="list-style-type: none"> ■ 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.	<ul style="list-style-type: none"> ■ 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.	<ul style="list-style-type: none"> ■ Ensure that District prioritizes wasted food reduction strategies.

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Plans Targeting Solid Waste	<p>Strong Policy</p> <p>D.C. outlines waste diversion goals and makes recommendations for diversion in the Sustainable D.C. Plan 2.0, including management of food waste.⁵ 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.⁶</p>	<ul style="list-style-type: none"> ■ Develop and publish a zero waste plan to outline a strategy for reaching an 80 percent solid waste diversion rate.
Climate Action Goals	<p>Weak Policy</p> <p>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.⁷</p>	<ul style="list-style-type: none"> ■ 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	<p>Moderate Policy</p> <p>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.</p>	<ul style="list-style-type: none"> ■ 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,	<p>Title: Zero Waste Omnibus Amendment Act of 2020</p> <p>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.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ 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. 	<p>https://code.dccouncil.us/dc/council/acts/23-542.html</p>

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)	<p>Title: Save Good Food Amendment Act of 2018</p> <p>Summary: With respect to date labels, this law charges the Department of Health with updating its date labeling regulations.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ 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. 	<p>https://code.dccouncil.us/dc/council/laws/22-212.html#:~:text=To%20amend%20Chapter%2018%20of,liability%20protections%20for%20food%20donations</p>

Citation	Summary & Key Elements	Source
<p>D.C. Mun. Regs. tit. 25- A, § 9901</p>	<p>Title: Food and Food Operations Code for Food Operations and Community Hygiene Facilities. Chapter 25-A99: Definitions</p> <p>Summary: This food code chapter defines several terms related to date labeling requirements.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ “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. 	<p>https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=25-A9901</p>
<p>D.C. Mun. Regs. tit. 25-A, § 718</p>	<p>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</p> <p>Summary: This food code chapter outlines parameters for handling food based on date labeling requirements.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ 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. 	<p>https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=25-A718</p>
<p>D.C. Mun. Regs. tit. 25-B, § 3606</p>	<p>Title: Food Processing Operations Code for Food Operations and Community Hygiene Facilities. Chapter 25-B36: Prohibited Conduct and Practices</p> <p>Summary: This food code chapter outlines several requirements related to selling or repackaging food that is older than its pull date.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ 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. 	<p>https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=25-B3606</p>
<p>D.C. Mun. Regs. tit. 25-B, § 2403</p>	<p>Title: Food Processing Operations Code for Food Operations and Community Hygiene Facilities. Chapter 25-B24: Tags, Labeling & Recordkeeping</p> <p>Summary: This food code chapter relates specifically to handling procedures for shellfish, identifying requirements for labeling and recordkeeping.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ 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. 	<p>https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=25-B2403</p>

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
<p>D.C. Code § 48-301</p>	<p>Title: Donated Foods Code for Food and Drugs section. Title 48, chapter 3, section I, Immunity from Liability</p> <p>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.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ 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. 	<p>https://code.dccouncil.us/dc/council/code/sections/48-301.html</p>
<p>D.C. Code § 47-1806.16, 1807.15, 1808.15 (2019)</p>	<p>Title: Credits—Tax Credit for Food Donations</p> <p>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.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ 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. 	<p>https://code.dccouncil.us/dc/council/code/sections/[47-1806.16].html</p> <p>https://code.dccouncil.us/dc/council/code/sections/[47-1807.15].html</p> <p>https://code.dccouncil.us/dc/council/code/sections/[47-1808.15].html</p>

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.⁸ 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)	<p>Key Elements:</p> <ul style="list-style-type: none"> 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)	<p>Summary:</p> <p>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.</p> <p>Key Elements:</p> <p>Recommendations include:</p> <ul style="list-style-type: none"> 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
<p>D.C. Law 20-154</p>	<p>Title: Sustainable Solid Waste Management Amendment Act of 2014</p> <p>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.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ 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. 	<p>https://code.dccouncil.us/dc/council/laws/20-154.html</p> <p>https://code.dccouncil.us/dc/council/code/titles/8/chapters/10A/</p>

Citation	Summary & Key Elements	Source
<p>Sustainable D.C. Plan 2.0 (2018)</p>	<p>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.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Addresses food waste through Food Goal 4 and Waste Goal I. ■ 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).⁹ Efforts identified to support this goal include: <ul style="list-style-type: none"> □ 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: <ul style="list-style-type: none"> □ 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: <ul style="list-style-type: none"> □ 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. 	<p>https://sustainable.dc.gov/sdc2</p>
<p>D.C. Act 23-542</p>	<p>Title: Zero Waste Omnibus Amendment Act of 2020</p> <p>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 <i>Organics Disposal Bans and Recycling Laws</i> table, above.</p>	<p>https://code.dccouncil.us/dc/council/acts/23-542.html</p>

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)	<p>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.</p>	https://mayor.dc.gov/release/mayor-bowser-commits-make-washington-dc-carbon-neutral-and-climate-resilient-2050
Climate Ready D.C. Plan (2016)	<p>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.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ 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)	<p>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.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ 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	<p>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.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ 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
<p>Department of Small and Local Business Development—Green D.C. Restaurants Action Manual</p>	<p>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.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Provides information about requesting a free waste assessment through the DPW's Commercial Recycling program. 	<p>https://dslbd.dc.gov/sites/default/files/u23/Green%20DC%20Restaurants%20Action%20Manual%2051216.pdf</p>
<p>D.C. Green Bank</p>	<p>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.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Launched through the District of Columbia Green Finance Authority Establishment Act of 2018, which was signed into law on July 2, 2018. 	<p>https://dcgreenbank.org/</p>
<p>D.C. Act 22-373: Home Composting Incentives Amendment Act of 2018</p>	<p>Summary: Amends the Sustainable Solid Waste Management Amendment Act of 2014 to include incentives to promote home composting.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ 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. 	<p>https://code.dccouncil.us/dc/council/laws/22-146.html</p>
<p>D.C. Code § 38-825.03. School Gardens Program</p>	<p>Summary: Outlines the process for establishment of school gardens and requires the inclusion of a compost demonstration site when feasible.</p>	<p>https://code.dccouncil.us/dc/council/code/sections/38-825.03.html</p>
<p>D.C. Act 23-542</p>	<p>Title: Zero Waste Omnibus Amendment Act of 2020</p> <p>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.</p> <p>Additional detail is provided in the <i>Organics Disposal Bans and Recycling Laws</i> table, above.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ 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. 	<p>https://code.dccouncil.us/dc/council/acts/23-542.html</p>

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.	<p>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.</p> <p>There is no acknowledgment of anaerobic digestion of source-separated organics from the municipal solid waste stream.</p> <p>No exemption tier exists for small quantities of source-separated food waste.</p>	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	<p>There is a regulatory tier that includes source-separated organics, but at least two of the following are true:</p> <ul style="list-style-type: none"> ■ 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).	<p>Climate action goals exist, but one of the following is true:</p> <ul style="list-style-type: none"> ■ 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. 	<p>Grants, incentives, or funds for food waste reduction are available, but more than one of the following is true:</p> <ul style="list-style-type: none"> ■ 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									
<p>Organics disposal bans or mandatory recycling laws are imposed on select commercial generators, with few exemptions.</p>	<p>The state requires date labels for certain foods but does not prohibit or limit the sale or donation of food after its label date.</p>	<p>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.</p>	<p>The state offers a tax incentive for donating food, but the incentive does not fully offset the costs associated with donation, including transportation.</p>	<p>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:</p> <ul style="list-style-type: none"> ■ 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. 	<p>Share tables are allowed, and the state provides share table guidance, though that guidance is limited.</p>	<p>Robust regional food systems plans or state food systems plans exist, but one of the following is true:</p> <ul style="list-style-type: none"> ■ 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. 	<p>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.</p>	<p>Climate action goals exist, and one of the following is true:</p> <ul style="list-style-type: none"> ■ Legislated climate action planning sets forth recommendations for reducing food waste. ■ Specific departments have been tasked with actionable next steps for moving policy forward. 	<p>Grants, incentives, or funds for food waste reduction are available, and one of the following is true:</p> <ul style="list-style-type: none"> ■ 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									
<p>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).</p>	<p>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.</p>	<p>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.</p>	<p>The state offers tax deductions or tax credits for donating food that offset the costs associated with donation, including transportation.</p>	<p>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:</p> <ul style="list-style-type: none"> ■ 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. 	<p>Share tables are allowed and encouraged, and the state provides state-specific guidelines or instructions about food safety as it relates to donation.</p>	<p>The state has developed comprehensive, statewide food systems plans, and both of the following are true:</p> <ul style="list-style-type: none"> ■ 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. 	<p>Solid waste management plan, zero waste plan, or organics management plan is kept current, and it outlines waste diversion goals and recommendations for diversion, including reduction of food waste (via prevention, rescue, donation, and/or processing through composting or anaerobic digestion).</p>	<p>Climate action goals exist, and both of the following are true:</p> <ul style="list-style-type: none"> ■ Legislated climate action planning sets forth recommendations for reducing food waste. ■ Specific departments have been tasked with actionable next steps for moving policy forward. 	<p>Grants, incentives, or funds for food waste reduction are available, and all of the following are true:</p> <ul style="list-style-type: none"> ■ 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.

ENDNOTES

- 1 Katie Sandson and Emily Broad Leib, *Bans and Beyond: Designing and Implementing Organic Waste Bans and Mandatory Organics Recycling Laws*, Harvard Food Law and Policy Clinic and the Center for EcoTechnology, July 2019, <https://wastedfood.cetonline.org/wp-content/uploads/2019/07/Harvard-Law-School-FLPC-Center-for-EcoTechnology-CET-Organic-Waste-Bans-Toolkit.pdf>.
- 2 D.C. Law 23-211, Zero Waste Omnibus Amendment Act of 2020 (2020).
- 3 D.C. Law 22-212, Save Good Food Amendment Act of 2018 (2018).
- 4 See D.C. Law 22-212, Save Good Food Amendment Act of 2018 (2018); see also D.C. CODE § 47-1806.16, 1807.15, 1808.15
- 5 Washington, D.C., Department of Energy & Environment, *Sustainable D.C. 2.0 Plan*, <https://sustainable.dc.gov/sdc2> (accessed Feb. 16, 2021).
- 6 D.C. Law 20-154, Sustainable Solid Waste Management Amendment Act of 2014 (2014).
- 7 Washington, D.C., Mayor's Office, *Pledge to Make Washington D.C. Carbon-Neutral and Climate Resilient by 2050* <https://mayor.dc.gov/release/mayor-bowser-commits-make-washington-dc-carbon-neutral-and-climate-resilient-2050> (accessed February 2021). Washington, D.C., Department of Energy & Environment, *Climate Ready DC*, https://doee.dc.gov/sites/default/files/dc/sites/d DOE/service_content/attachments/CRDC-Report-FINAL-Web.pdf (accessed Feb. 16, 2021).
- 8 Hot (or active) composting is a method of on-site composting (typically in two- to three-bin static pile systems) that is managed to achieve optimal temperatures to kill weed seeds (130 °F–153 °F) and accelerate the process.
- 9 MSW Consultants for the District of Columbia Department of Public Works, *Desktop Waste Characterization Study*, March 2021, <https://zerowaste.dc.gov/sites/default/files/dc/sites/zerowaste/Desktop%20WCS%20Final%20Report%203-10-21.pdf>.