

REPORT

GREAT LAKES 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 Illinois, Michigan, Ohio, and Wisconsin. 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.

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 non-existent. 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

While there are no states in the Great Lakes that have organics disposal bans or mandatory recycling laws, elsewhere they 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 ahead of 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 ban materials 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

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

States in the Great Lakes region have not established dual date labeling systems that clearly distinguish between quality and safety. Many states in the region 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. In addition, 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 of these 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 states in the Great Lakes have tax incentives for food rescue, and none of the states or jurisdictions reviewed in the Mid-Atlantic or Southeast 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 acknowledgement 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 Great Lakes Region

The organics processing infrastructure permitting policy inventories for the four Great Lakes states covered in this report reveal a regulatory hodgepodge—from essentially no permitting oversight of food scrap composting in Michigan to a well-established, tiered regulatory approach in Ohio.

An official in the Solid Waste Section of the Michigan Department of Environment, Great Lakes, and Energy (MI EGLE) said new composting regulations that use a tiered approach to the permitting of composting facilities will be introduced in the legislature in 2021. The department also proposes to change the existing term for food waste (garbage) to source-separated food waste. Currently, MI EGLE does not have a permit for sites to accept source-separated food waste. Facilities processing less than 5,000 cubic yards per acre are required only to register with the state; facilities wanting to process more than that must show they have capacity and capability to compost a greater volume of material.

Illinois regulations accommodate food scrap composting, but the allowance (“up to 49 percent additives,” which include food waste) is in a Public Act rather than the solid waste regulation. The Illinois Environmental Protection Agency (IL EPA) is revising its regulations in 2021 to include food scrap composting permitting in its solid waste rule.

Ohio has had tiered regulation since its composting rules were promulgated in 1993. It revises the rules as necessary. For example, in 2012 the Ohio Environmental Protection Agency (OHEPA) added a 300-square-foot area-based (versus quantity-based) exemption for small-scale composting of yard trimmings and food scraps, such as at community gardens. Rule revisions made in 2018 increased that limit to 500 square feet, in large part because the agency observed that these sites were operated without causing public nuisances.

The Wisconsin Department of Natural Resources (WI DNR) exempts facilities from obtaining a compost license if they process less than 50 cubic yards of yard materials or food scraps at one time. All facilities handling matter that meets the state's definition of source-separated compostable materials and that are processing more than 50 cubic yards of it must obtain a composting "license" (permit). Food scraps are categorized as a source-separated material; sites that manage no more than 5,000 cubic yards source-separated compostable material on site at one time may operate under reduced regulatory requirements.

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, state-wide 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

Three of the four Great Lakes states analyzed here have established strong policies to provide guidance for share tables in schools. Notably, Wisconsin offers guidance on food rescue in schools as well as food safety requirements. In 2016 the state's Department of Public Instruction issued a letter encouraging efforts to reduce waste at school meals. Actions along these lines can also help to feed hungry people. 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

Illinois offers an example of a strong policy in this category, having developed a comprehensive statewide plan for managing both food and agriculture systems that takes food waste reduction into consideration. In the absence of state-level documents, many cities have also taken a leadership role in developing their food systems plans. 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 level. 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 towards 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 food 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, Illinois's Compost-Amended Soil Construction Act requires state agencies using off-site soil for construction projects to bid for a compost-amended soil if a facility is located within 10 miles of the project. 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.

Illinois Food Waste Policy Gap Analysis

Policy Category	Status	Recommendations and Potential Advocacy Opportunities
Organics Disposal Bans and Recycling Laws	<p>No Policy</p> <p>Illinois has a landfill disposal ban for yard trimmings.² But it has not enacted a food waste disposal ban, and there is no financial incentive structure to encourage food waste diversion.</p>	<ul style="list-style-type: none"> ■ 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. <p>Note: Progress on the recommendations below, particularly in the areas of Liability Protection, Tax Incentives, Organics Processing Permitting, Food Systems Plans, and Solid Waste Management Plans can help make food waste reduction more common, which can lower barriers to implementing policies like a disposal ban.</p>
Date Labeling	<p>Weak Policy</p> <p>Illinois imposes date labeling requirements on eggs, which allows manufacturers to mark containers with an expiration date.³ However, there is no differentiation between quality-based and safety-based dates and no clear permission to donate after the quality-based date.</p>	<ul style="list-style-type: none"> ■ Establish guidelines expressly allowing the donation or the freezing of food after a 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	<p>Weak Policy</p> <p>Illinois provides liability protection for donors and distributors of food offered for free and includes a presumption of good faith.⁴ This protection also includes donations of wild game and offers protection to farmers, food producers, processors, distributors, wholesalers, retailers, gleaners, individuals, and nonprofit or charitable organizations. However, liability protections do not explicitly cover donations directly to needy individuals or donations that are eventually supplied for a small fee.</p>	<ul style="list-style-type: none"> ■ 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 donors provide food products past a quality-based date.
Tax Incentives for Food Rescue	<p>No Policy</p> <p>Illinois provides no additional tax deductions or credits for the donation of food beyond those offered by the federal government.</p>	<ul style="list-style-type: none"> ■ Offer tax incentives to offset the costs of food donation, including the cost of transporting donated food. ■ Offer a tax credit for donation by farmers.

<p>Organics Processing Infrastructure Permitting</p>	<p>Moderate Policy</p> <p>Illinois does not have a separate tier for food waste composting facilities, but the IL EPA does allow acceptance of up to 49 percent food waste at permitted landscape waste composting operations. Very small garden composting operations are exempt from permitting and may incorporate food scraps.⁵ The state has no policies on anaerobic digestion facility permitting.</p>	<ul style="list-style-type: none"> ■ Increase the threshold volume of composted material to qualify for the permitting exemption—by adopting the IL EPA’s proposed threshold of 1,000 cubic yards. These proposed compost rule revisions should consider a tiered approach to permitting food scrap composting. ■ Ensure that source-separated organics permitting reduces barriers to entry for composting source-separated food waste through simplified permitting for the addition of food scraps at existing yard trimmings composting facilities. Also, provide an exemption from permitting for small-scale and/or community composting operations. Such a permitting process should be in sync with best management practices for composting source-separated food waste. ■ 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 making permanent the existing procurement requirements issued on a pilot basis for the Illinois Department of Transportation. Also, expand procurement requirements for commercial developers and/or other government agencies (e.g., mandatory consideration of a bid for use of compost).
<p>Food Safety Policies for Share Tables</p>	<p>Weak Policy</p> <p>Illinois allows share tables but provides no resources or guidance on food safety for donation. All food safety guidelines are promulgated by local health departments, which may reference the USDA share table memo.⁶</p>	<ul style="list-style-type: none"> ■ Develop comprehensive and state-specific food safety guidance for share tables and food rescue. ■ Promote opportunities for schools to increase food rescue through share tables and other methods.
<p>Food Systems Plans, Goals, and Targets</p>	<p>Strong Policy</p> <p>Illinois has a comprehensive statewide plan for managing its food and agriculture systems.⁷ It identifies sustainable resource management, including reduction of food waste, as a goal and recommends more robust composting for food unfit for consumption.</p>	<ul style="list-style-type: none"> ■ Continue to update this plan, and include plain language about how strategies at all levels of the food recovery hierarchy directly bolster a strong food system. This can help garner resources to support food waste reduction programming that advances the goals of the plan.
<p>Plans Targeting Solid Waste</p>	<p>Strong Policy</p> <p>Illinois has passed a Solid Waste Planning and Recycling Act that gives counties and local municipalities primary responsibility for solid waste planning and identifies waste reduction and recycling as preferable to disposal.⁸ An amendment to this act created a Statewide Materials Management Advisory Committee, which is required to develop, by July 2021, a report documenting current practices and recommendations for setting and meeting waste diversion goals.</p>	<ul style="list-style-type: none"> ■ Complete the July 2021 report summarizing current materials management practices in the state and recommended actions to increase diversion. Use data collected to support recommendations further bolstering food waste as a diversion opportunity and exploration into other policy developments such as composting or anaerobic digestion. ■ Maintain and continue to develop existing plans to outline incremental goals and steps toward furthering organics diversion. ■ Municipalities can modify county and local solid waste management plans to strengthen their focus on food waste reduction, including by establishing a timeline for achieving diversion goals.

<p>Climate Action Goals</p>	<p>Weak Policy</p> <p>The legislature passed the Future Energy Jobs Act, which shifts the state to a clean energy economy and includes anaerobic digestion in the definition of renewable energy resources.⁹ But there is no legislative framework for climate action goals. The governor did sign an executive order entering Illinois into the U.S. Climate Alliance.¹⁰</p>	<ul style="list-style-type: none"> ■ Pass legislation to establish climate action goals that specifically address food waste reduction as it pertains to climate goals. ■ Task specific departments with actionable next steps for advancing emissions reductions in the context of reducing food waste. ■ Create specific recommendations for reducing food waste through climate action planning, and assign to specific departments actionable next steps for moving policy forward. ■ Local climate action goals and plans can be passed to draw the connection between emission reductions and reducing food waste and to further local efforts.
<p>Grants and Incentive Programs Related to Food Waste Reduction</p>	<p>Weak Policy</p> <p>Illinois established a Solid Waste Management Fund that provides support for recycling programs in the state, but other opportunities are limited.</p>	<ul style="list-style-type: none"> ■ Establish specific grants, incentives, and funding for food loss and waste prevention and for promotion of food rescue. ■ Build on existing incentive programs to advance food waste reduction and management activity. ■ Establish a free technical assistance program to help businesses divert organics from the waste stream. Local technical assistance programs can also support these efforts. ■ As a near-term, incremental option, consider implementing an incentive program to encourage businesses to divert food from the waste stream through donation or other measures. Incentives could come in the form of government recognition, certification, or other encouragement.

Illinois Food Waste Policy Inventory

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

Illinois has a landfill ban for yard waste.¹¹ However, there are currently no disposal bans or recycling laws in Illinois that address food waste. There are a few statutes and rules around composting, but nothing that is mandatory.

DATE LABELING

In Illinois, date labeling is optional for eggs. If an expiration date is labeled on an egg container, the eggs within cannot be sold after that date. Notably, if an egg container does not have a date label, then it can be sold at any point. There are no restrictions on any food items that are donated after the date on the container.

Citation	Summary & Key Elements	Source
Ill. Admin. Code tit. 8 § 65.30 (2019)	<p>Title: Consumer Container Labeling Requirements</p> <p>Summary: Egg containers must be marked with the date on which the determination of grade and size was made. Containers <i>may</i> also include an expiration date, after which sale of the eggs is not permitted.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ It is allowable to include expiration dates in the labeling of consumer-size containers at retail. ■ This expiration date must be no later than 45 days from the candling date for Grade A eggs and no later than 30 days from the candling date for Grade AA eggs. ■ Eggs with an expiration date marked on the container shall not be offered for sale or sold to a consumer after the date marked on the container. 	https://www.ilga.gov/commission/jcar/admincode/008/008000650000300R.html

FOOD DONATION LIABILITY PROTECTIONS AND TAX INCENTIVES FOR FOOD RESCUE

Illinois does not currently offer any state-level tax incentives for food rescue. Donors and distributors of donated items in good faith are not liable in any civil action.

Citation	Summary & Key Elements	Source
745 Ill. Comp. Stat. 50/1 et seq. (2001)	<p>Title: Good Samaritan Food Donor Act</p> <p>Summary: Extra civil liability protection is offered for both donors and distributors.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ No person, organization, or governmental agency that donates specified food items in good faith to a nonprofit or charitable organization shall be liable in any civil action, absent a showing of willful, wanton, or reckless acts, or where the donor had actual or constructive knowledge that the food was unsafe. ■ No nonprofit or charitable organization that distributes donated food shall be liable in any civil action, absent a showing of willful, wanton, or reckless acts, or where the donor had actual or constructive knowledge that the food was unsafe. ■ This protection includes wild game donors, farmers, food producers, processors, distributors, wholesalers, retailers, gleaners, any other person, a nonprofit organization, or charitable organization. 	https://ilga.gov/LEGISLATION/ILCS/ilcs3.asp?ActID=2077&ChapterID=58

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

Title V of the Illinois Environmental Protection Act and 35 Illinois Administrative Code (IAC): Subtitle G regulate composting operations in the state. Landscape waste is regulated separately (under Part 830) from other organic waste, including food scraps, which is regulated under Part 807, IL EPA’s regulations adopted in the 1980s. Anaerobic digestion of food scraps also falls under Part 807. A facility receiving waste for composting is required to obtain a permit before it can accept any waste from off site. Public Act 96-0418 (passed by the Illinois legislature in 2009) made it possible to add food scraps (referred to in the regulation as an “additive”) to a landscape waste composting operation in Illinois without going through the state’s lengthy (and expensive) siting process under Part 807. The quantity of food scraps was originally limited to no more than 10 percent of the total volume handled at the facility. The Illinois Food Scrap Coalition summarized public acts related to compost from 2010 to 2018.¹² The quantity of additives allowed since 2010 has increased over the years. An IL EPA regulator noted in correspondence (in March 2021), “We now say that if you can demonstrate that the additives (excluding sewage and wastewater treatment plant sludge, which are banned by Section 830.202[a]) are compostable and will not detrimentally affect the finished compost, up to 49 percent additives are allowed (51 percent or more must be landscape waste). Composting and anaerobic digestion facilities that accept less than 50 percent landscape waste (i.e., where food scraps are greater than 50 percent) are regulated under Part 807 (note: no specific references to composting could be found in the Part 807 regulatory language).”¹³ IL EPA is updating the 35 Il. Adm. Code Part 830 to include organic waste composting (no longer regulating it under Part 807). The agency aims to submit the revised Part 830 regulations to the Illinois Pollution Control Board in the summer of 2021 for review. Additionally, Illinois has a statute, 415 Ill. Comp. Stat. 5 / 22.55 (2016), Household Waste Drop-Off Points, that outlines the requirements for the collection of compostable waste, including food waste, at temporary locations (e.g., at a one-day event) or permanent drop-off points. Entities operating drop-off points must comply with the requirements outlined in the statute, such as securing materials in nonporous, rigid, covered, leakproof containers and transferring compostable waste to a permitted composting facility within a specified time frame.

Illinois prohibits feeding food scraps, which includes animal-derived waste and vegetable waste, to any animal. The exception to this rule is that individuals may feed their household garbage to their own swine.

Citation	Summary & Key Elements	Source
<p>Ill. Admin. Code tit. 35, § 830, Subpart B (1998)</p>	<p>Title: Standards for Owners and Operators of Landscape Waste Compost Facilities</p> <p>Summary: Under Part 830, an IL EPA permit is required for composting activities conducted in Illinois at a facility that accepts landscape waste from off site. Applicability depends on the waste type, the source of the waste, and the location of the composting facility.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Specific measures must be taken to control odors, litter, vectors, and dust and noise generated from truck or equipment operation. ■ Required odor minimization plan must specify: <ul style="list-style-type: none"> □ Readily available supply of bulking agents, additives, or odor-control agents. □ Procedures for avoiding delay in processing and managing landscape waste during all weather conditions. □ Methods that take into consideration time of day, wind direction, moisture percentage, estimated odor potential, and degree of maturity prior to turning or moving composting material. ■ Landscape waste must be processed within 5 days of receipt into windrows or other piles that promote proper conditions for composting. Incoming leaves, brush, or woody landscape waste may be stored in designated areas for use as a carbon source and bulking agent rather than be processed into windrows or other piles. ■ A landscape waste composting facility can request use of additives beneficial to the composting process. All additives must be approved and identified in the facility’s permit. For food waste, permits typically stipulate that it must be incorporated within 24 hours. 	<p>https://www.ilga.gov/commission/Jcar/admincode/035/03500830sections.html</p>

Citation	Summary & Key Elements	Source
<p>Ill. Admin. Code tit. 35, § 830, Subpart B (1998)</p>	<ul style="list-style-type: none"> ■ Facilities must be designed and constructed so that run-on is diverted around the composting area. The runoff from the facility resulting from precipitation less than or equal to a 10-year, 24-hour precipitation event must be controlled so as not to cause or contribute to a violation of the Environmental Protection Act. ■ General-use compost (no restrictions on distribution) must not contain man-made materials larger than 4 millimeters in size exceeding 1 percent of the end-product compost on a dry weight basis. Compost pH must be between 6.5 and 8.5 and must have reached stability (meaning that the compost does not reheat, upon standing, to greater than 20 °C above room temperature (20 to 25 °C), or the end-product compost supports a germination rate of 70 percent for annual ryegrass and radish. Specific protocols for each test are provided.¹⁴ ■ The following types of facilities or activities are exempt, i.e., not required to obtain a permit for composting: <ul style="list-style-type: none"> □ Composting of landscape waste generated by a facility's own activities at the composting site. □ Applying landscape waste or composted landscape waste at agronomic rates (amount of nutrients needed by the crop being grown). □ Landscape waste composting facility on a farm that meets all criteria set forth at 35 Ill. Adm. Code Section 830.106. Criteria specify the amount of land on a farm that can be used for composting, require application of compost on that farm at agronomic rates, and require use of the compost within 18 months of its production. □ Garden composting operation that has no more than 25 cubic yards of landscape waste, composting material, or end product on site at any one time and is not engaging in commercial activity. (Proposed regulations would raise that limit to 1,000 cubic yards, according to IL EPA.) 	<p>https://www.ilga.gov/commission/Jcar/admincode/035/03500830sections.html</p>
<p>Ill. Admin. Code tit. 35, § 807 (2011)</p>	<p>Title: Solid Waste and Special Waste Hauling: Solid Waste</p> <p>Summary: Nonhazardous waste treatment falls under Part 807. This currently includes organic waste composting of feedstocks other than landscape waste as well as anaerobic digestion of organic waste.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Part 807.104 does not include composting or anaerobic digestion on its list of words or terms (definitions) for Part 807, nor were references found in the regulatory language.¹⁵ ■ Forthcoming IL EPA revisions will put organic waste composting under Part 830. ■ An IL EPA regulator notes that Section 807 is the agency's oldest regulation and that permitting is therefore mostly "procedural rather than specific regulations." 	<p>https://www.ilga.gov/commission/jcar/admincode/035/03500807sections.html</p>
<p>720 Ill. Comp. Stat. § 5/48-7 (2015)</p>	<p>Title: Feeding Garbage to Animals</p> <p>Summary: No establishment may feed animal-derived waste or vegetable waste to animals unless it is licensed under the Illinois Dead Animal Disposal Act.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Garbage includes putrescible vegetable waste and any waste material derived from the meat of any animal or other animal material. ■ It is prohibited to feed garbage to any animal, and doing so is a Class B misdemeanor resulting in a first-offense fine of \$100–\$500 and a second-offense fine of \$200–\$500. ■ Individuals are allowed to feed their own swine garbage from their household. 	<p>https://ilga.gov/legislation/ilcs/documents/072000050K48-7.htm</p>

Citation	Summary & Key Elements	Source
225 Ill. Comp. Stat. § 610/ (2015)	<p>Title: Illinois Dead Animal Disposal Act</p> <p>Summary: Sets out requirements for licensing of dead animal disposal operations.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> Waste from animal remains may be blended in order to obtain a desired percentage of protein, degree of quality, or color for use in animal feed, poultry feed, or fertilizers, subject to licensing requirements promulgated by the Illinois Department of Agriculture. 	https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1376&ChapterID=24

FOOD SAFETY POLICIES FOR SHARE TABLES

Illinois has created no food safety guidance for share tables in schools. The state has, however, issued regulations setting out specific food safety requirements for the donation of game animals.

Citation	Summary & Key Elements	Source
Ill. Admin. Code tit. 77, § 750.500 (2018)	<p>Title: Special Requirements</p> <p>Summary: Sets out food safety requirements for liability protection for game animals donated under the Good Samaritan Food Donor Act.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> To receive protection from liability, field-dressed wild game animals that are donated must receive a postmortem inspection approved by the regulatory agency overseeing animal health. The game must comply with all dressing and processing requirements. 	https://www.ilga.gov/commission/jcar/admincode/035/03500807sections.html

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

Several stakeholder groups have created plans and recommendations for improving food systems across Illinois, including the Illinois Agri-Food Alliance and the Illinois Local and Organic Food and Farm Task Force. In addition, a number of plans and reports have been developed to address food systems change at the local and regional levels within the state, including the ON TO 2050 Local Food plan, the Cook County Food Access Plan, and the Chicago Food Systems Report.

Citation	Summary & Key Elements	Source
Food and Agriculture Roadmap for Illinois (FARM Illinois) (2015)	<p>Summary: This comprehensive statewide plan was published by the Illinois Agri-Food Alliance. Involving more than 150 stakeholders in a nine-month planning process, the plan tracks opportunities and challenges in Illinois's food and agriculture systems. It identifies goals for food access and food production.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> Identifies comprehensive goals for Illinois's food and agriculture systems. Identifies sustainable resource management, including reduction of food waste, as a goal. Identifies food banks as an important avenue to proper food waste diversion. Recommends an agricultural surplus clearance program. Recommends more robust composting for food unfit for consumption. 	https://ilagrifood.org/wp-content/uploads/2015/06/FARM-IL-Report-2015_FULL_vF3.pdf
ON TO 2050: Local Food (2018)	<p>Summary: This comprehensive plan, published by the Chicago Metropolitan Agency for Planning, includes a section on local food and related sections on agriculture and land use.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> Summarizes data on crop production, food access, and land preservation, focusing on local food production. Discusses and analyzes food access progress since previous comprehensive plan. Emphasizes importance of resilient and diverse local food system. Does not discuss food donation or waste. 	https://www.cmap.illinois.gov/documents/10180/768083/FY18-0020_Local+Food_FINAL.pdf/cf2523ab-a59e-a583-da66-bcd659fd61dc?t=1510033298552

Citation	Summary & Key Elements	Source
<p>Cook County Food Access Plan (2015)</p>	<p>Summary: This plan, developed by the Greater Chicago Food Depository and Cook County, identifies goals and strategies to reduce food insecurity in Cook County from 2015–2017.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Includes data on food insecurity and poverty in Cook County. ■ Identifies goals and strategies for reducing food insecurity. ■ Explores relationship between food access and economic development/land use. 	<p>https://www.chicagosfoodbank.org/wp-content/uploads/2016/10/Cook_County_Food_Access_Plan.pdf</p>
<p>Local Food, Farms & Jobs: Growing the Illinois Economy (2009)</p>	<p>Summary: This was developed as a report to the Illinois General Assembly by the Illinois Local and Organic Food and Farm Task Force. The plan shows how the state should develop its food system and encourages Illinois’s rural, urban, and suburban communities to cooperate statewide to develop local farm production, infrastructure, customer access, and public education.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Recommends legislation that <ul style="list-style-type: none"> □ Directs state agencies to align their missions to support this strategy for job creation, public health, and food security; □ Supports the Local Foods Initiative of the University of Illinois Extension; □ Encourages state institutions to procure at least 20 percent of their food locally by 2020; □ Assembles a team to eliminate regulatory barriers restricting local food production and marketing; and □ Creates the Illinois Local Food, Farms, and Jobs Council, which will be commissioned to facilitate local farm and food system development statewide. 	<p>https://foodfarmsdemocracy.net/wp-content/uploads/2017/10/FoodFarmsJobsreport.pdf</p>
<p>Chicago Food Systems Report (2009)</p>	<p>Summary: Published by the Chicago Community Trust, this report identifies issues, challenges, and opportunities for the regional food system and makes recommendations for food infrastructure, education, and data and indicators.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Tracks challenges to food systems, highlighting food waste. ■ Includes, among many recommendations, collection of local information on food waste reduction and processing. ■ Recommends including food waste issues in local land use, infrastructure, and comprehensive plans. ■ Recommends making services and programs available to assist diverse local food waste businesses. 	<p>https://www.cmap.illinois.gov/documents/10180/31446/012610+FOOD+SYSTEMS.pdf/67bf510e-62f8-4cec-ae58-c91f0212aef3</p>
<p>Chicago: Eat Local; Live Healthy (2007)</p>	<p>Summary: Produced and published by the Chicago Department of Planning and Development along with other Chicago city agencies, this plan envisions a food system in which the production, distribution, and marketing of locally grown, healthy food and value-added products are available, accessible, and affordable year-round to all city residents and are produced in an environmentally sound manner.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Maps challenges to and development of Chicago-area food system. ■ Recommends increasing the supply of locally grown produce. ■ Recommends increasing food production and composting in Chicago neighborhoods, noting Illinois hunger facts. ■ Identifies strategies for increasing access to locally grown, healthy food. 	<p>https://www.chicago.gov/content/dam/city/depts/zlup/Sustainable_Development/Publications/Eat_Local_Live_Healthy_Brochure/Eat_Local_Live_Healthy.pdf</p>

PLANS TARGETING SOLID WASTE

The Illinois Solid Waste Planning and Recycling Act establishes a process by which counties are required to develop materials management plans. An amendment to this act created a Statewide Materials Management Advisory Committee, which is required to develop a report documenting current statewide materials management practices and recommendations for establishing and meeting diversion goals. This report was due to the General Assembly by July 1, 2021. The Illinois Solid Waste Management Act provides a broader framework for approaching disposal as a last option and establishes a comprehensive outline for solid waste management in the state.

Citation	Summary & Key Elements	Source
<p>415 Ill. Comp. Stat. 15/ (2014)</p>	<p>Title: Solid Waste Planning and Recycling Act</p> <p>Summary: Gives counties primary responsibility for solid waste planning and identifies waste reduction and recycling as preferable to disposal.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Encourages multicounty or regional planning through coordination among local governments. ■ Establishes a Statewide Materials Management Advisory Committee, which includes two members representing producers of compost, to review current practices and opportunities for waste reduction, recycling, reuse, and composting and to develop a report summarizing current materials management practices in the state in addition to recommended actions to increase diversion. This report, due on or before July 1, 2021, will also recommend diversion goals for 2025, 2030, and 2035. ■ Sets a schedule for the repeal of the section on the Statewide Materials Management Advisory Committee on July 1, 2022. ■ Mandates that county waste management plans include a recycling program that incorporates leaf composting. 	<p>https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1587&ChapterID=36</p>
<p>Public Act 101-0074</p>	<p>Title: Public Act 101-0074</p> <p>Summary: Amends the Solid Waste Planning and Recycling Act proposal to reestablish the Statewide Materials Management Advisory Committee.¹⁶</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Mandates contents of report to be produced by Statewide Materials Management Advisory Committee, including: <ul style="list-style-type: none"> □ Recommended elements for counties to include in plans; □ A standard methodology for counties to determine annual waste-generation rate and disposal and diversion rates; □ Recommended standard actions to increase diversion rates; □ Recommended public outreach programs that would maximize waste diversion; and □ A list of nonpermitted facilities involved in composting (optional). ■ Subcommittees of this group include:¹⁷ <ul style="list-style-type: none"> □ Education □ Infrastructure □ Local Government Support □ Market Development □ Measurement ■ Establishes a process by which this section will be repealed on July 1, 2022. 	<p>https://ilga.gov/legislation/BillStatus.asp?DocTypeID=HB&DocNum=3068&GAID=15&SessionID=108&LegID=119429</p>

Citation	Summary & Key Elements	Source
415 Ill. Comp. Stat. 20/ (2018)	<p>Title: Illinois Solid Waste Management Act</p> <p>Summary: This act establishes a waste management hierarchy that promotes source reduction, reuse, and recycling before disposal options and creates a framework for a comprehensive solid waste management program in Illinois.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Requires state agencies to use compost through land maintenance of public acreage when feasible. ■ Establishes a waste reduction goal for state facilities of 25 percent by December 31, 1995, and 50 percent by December 31, 2000. ■ Requires state-supported institutions of higher learning to develop waste reduction plans by January 1, 1995. ■ Empowers the Department of Commerce and Economic Opportunity to implement the requirements set forth in the act, including by establishing a grant program and offering public education for recycling and composting. <ul style="list-style-type: none"> □ Per Executive Order 2017-3, effective July 2017, all recycling and waste reduction functions are now administered by the Illinois Environmental Protection Agency.¹⁸ ■ Requires the development of a report on marketing compost from centralized sites in the state by March 1, 1989. 	https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1588&ChapterID=36

CLIMATE ACTION GOALS

In 2019, Governor J. B. Pritzker entered Illinois into the U.S. Climate Alliance through Executive Order 2019-06, committing to meeting greenhouse gas emissions reductions aligned with the United Nations Paris Agreement. A subsequent Future Energy Jobs Act was passed, setting a path for the state to shift to a clean energy economy and including anaerobic digestion of food waste as a component of a renewable-electricity-generating facility.

Citation	Summary & Key Elements	Source
Executive Order 2019-06 (January 23, 2019)	<p>Summary: Enters Illinois into the U.S. Climate Alliance.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Through participation, the state commits to: <ul style="list-style-type: none"> □ Reducing greenhouse gas emissions by 2025; □ Monitoring and reporting progress toward this goal; and □ Supporting policies that promote emissions reductions and clean energy. 	https://www2.illinois.gov/Pages/government/execorders/2019_6.aspx
Illinois Public Act 99-0906	<p>Title: Future Energy Jobs Act (FEJA)</p> <p>Summary: Shifts the state to a clean energy economy while creating jobs and job training opportunities.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Includes anaerobic digestion in the definition of “renewable energy resources.” ■ Includes anaerobic digestion of food processing waste in the definition of “eligible renewable electrical generating facility.” 	<p>Bill:</p> <p>https://www.ilga.gov/legislation/99/SB/PDF/09900SB2814lv.pdf</p> <p>Public information:</p> <p>https://www.futureenergyjobsact.com/</p>
Putting Consumers & Climate First, Office of Governor J. B. Pritzker	<p>Summary: Establishes eight principles for a clean and renewable economy as identified by Governor Pritzker.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Acknowledges the importance of a transition to a clean energy economy. ■ Identifies a need for the state to set a goal of 100 percent clean energy by 2050. ■ Does not include direct references to food waste diversion or anaerobic digestion. 	https://www2.illinois.gov/IISNews/21974-Putting_Consumers_Climate_First-Governor_Pritzkers_Eight_Principles_for_a_Clean_Renewable_Illinois_Economy.pdf

GRANTS AND INCENTIVE PROGRAMS RELATED TO ADVANCING FOOD WASTE REDUCTION

The Environmental Protection Act established a Solid Waste Management Fund, which is supported by fees collected for landfill tipping. This fund provides support for recycling programs in the state. According to the Market Development Subcommittee of the Materials Management Advisory Committee, funding may be temporarily unavailable due to the COVID-19 pandemic.¹⁹

Citation	Summary & Key Elements	Source
30 Ill. Comp. Stat. 500/45-22 (2019)	<p>Title: Compost-Amended Soil Construction Act</p> <p>Summary: Requires state agencies that have a construction project that uses off-site soil to bid for compost-amended soil if a permitted facility is located within 10 miles of the project.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ The state agency must consider whether compost-amended soil should be used on the basis of estimated cost. ■ The state agency must use compost-amended soil for a landscape project if the cost is equal to or less than the cost of other new off-site soil. ■ The Department of Transportation is required to conduct two pilot road construction demonstrations using compost-amended soil in 2019 and provide a report to the General Assembly outlining costs, cost savings, and advantages and disadvantages of the compost use. 	https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=003005000K45-22
415 Ill. Comp. Stat. 5/22.15 (2020)	<p>Title: Environmental Protection Act</p> <p>Summary: Establishes the Solid Waste Management Fund, a system to support the state's solid waste management programs through a landfill tipping fee.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ This fund is to be used by the Environmental Protection Agency and Department of Commerce and Economic Opportunity as outlined in the Illinois Solid Waste Management Act. ■ The act sets tipping fees for ranges of cubic yards of waste. ■ It enables the state comptroller to direct \$5 million per fiscal year from the Solid Waste Management Fund to the General Revenue Fund between July 1, 2018, and FY 2021. ■ Empowers local governments that have a solid waste disposal facility located within their boundaries to establish a tax, fee, or surcharge for waste disposal to support a variety of "solid waste management purposes," including enforcement, planning, implementation, and other activities consistent with the Solid Waste Management Act and the Local Solid Waste Disposal Act. 	https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1585&ChapterID=36
35 Ill. Comp. Stat. 200/18-165 (2019)	<p>Title: Illinois Property Tax Act</p> <p>Summary: Includes recycling businesses among the commercial or industrial firms that can petition local taxing districts for abatement of taxes under certain circumstances.</p>	http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=596&ChapterID=8
Illinois Finance Authority Loans	<p>Summary: The Illinois Finance Authority offers several programs, including a Value-Added Stock Purchase Guarantee, a Young Farmer Guarantee Program, and a Rural Development Loan Program, which offer loans to farmers or businesses in the state. These loan programs do not explicitly mention projects involving composting food waste but may be potential fits for such projects.</p>	<p>Guide to Federal, State and Regional Loan and Grant Programs for Agribusiness:</p> <p>https://www2.illinois.gov/epa/Documents/epa.state.il.us/water/cafo/cafo-loan-matrix.pdf</p>

Michigan Food Waste Policy Gap Analysis

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Organics Disposal Bans and Recycling Laws	<p>No Policy</p> <p>Michigan enacted a disposal ban for yard trimmings in 1995 but has not enacted a food waste disposal ban, and there is no financial incentive structure to encourage food waste diversion.</p>	<ul style="list-style-type: none"> 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. <p>Note: Progress on the recommendations below, particularly in the areas of Liability Protection, Tax Incentives, Organics Processing Permitting, Food Systems Plans, and Solid Waste Management Plans can help make food waste reduction more common, which can lower barriers to implementing policies like a disposal ban.</p>
Date Labeling	<p>Weak Policy</p> <p>Michigan requires sell-by dates for milk and for packaged perishable food.²⁰ There is no differentiation between quality-based and safety-based dates and no clear permission to donate after the quality-based date, though the law suggests that if advertised as such, milk may be sold after the sell-by date.</p>	<ul style="list-style-type: none"> Establish guidelines expressly allowing the donation or the freezing of food after a 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	<p>Moderate Policy</p> <p>Michigan provides liability protection for food donors and food recovery organizations and includes a presumption of good faith.²¹ Liability protection seems to cover donations that are eventually supplied for a small fee; the law does not mandate that food donations be distributed for free and does allow food donations to be sold for a small fee. However, liability protections do not cover food donated directly to needy individuals.</p>	<ul style="list-style-type: none"> Provide liability protection for certain direct donations made by food businesses directly to those in need. Provide explicit liability protection when donors provide food products past a quality-based date. Issue clarifying guidance addressing the explicit liability protection for donations sold at a low price by distributing nonprofits.
Tax Incentives for Food Rescue	<p>No Policy</p> <p>Michigan provides no additional tax deductions or credits for the donation of food beyond those offered by the federal government.</p>	<ul style="list-style-type: none"> Offer tax incentives that better offset the costs of food donation, including the cost of transporting donated food. Offer a tax credit for donation by farmers.

<p>Organics Processing Infrastructure Permitting</p>	<p>Weak Policy</p> <p>Michigan does not have separate regulations for food scrap composting. It does not require permitting for yard trimmings composting facilities, though it requires registration with the Michigan Department of Environment, Great Lakes, and Energy (MI EGLE) for facilities processing more than 200 cubic yards of such trimmings.²² Food scraps can be incorporated at these operations. Registered facilities must seek MI EGLE permission to process more than 5,000 cubic yards per year, likely affecting the economic viability of some composting operations. Michigan regulations do not reference anaerobic digestion.</p>	<ul style="list-style-type: none"> ■ Create regulatory tier(s) for food scrap composting. ■ Increase the threshold volume of composted material that can be processed to reduce barriers to entry for composting source-separated food waste. ■ 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).
<p>Food Safety Policies for Share Tables</p>	<p>Strong Policy</p> <p>Michigan developed an administrative memo to convey best practices for the rescue of surplus food in schools, which include food safety requirements for share tables in school cafeterias.²³</p>	<ul style="list-style-type: none"> ■ Promote opportunities for schools to increase food rescue through share tables and other methods.
<p>Food Systems Plans, Goals, and Targets</p>	<p>Weak Policy</p> <p>In 2010 Michigan State University developed a Good Food Charter, with a 10-year plan for Michigan's food and agriculture system, but no other food systems plans exist.²⁴ Further, the Good Food Charter addresses food waste only as a part of the overall food system and does not mention specifics as to reduction methods. It does minimally reference continued support for the Michigan Agricultural Surplus System (MASS) grant, which enables the purchase of certain excess produce from Michigan farmers.²⁵</p>	<ul style="list-style-type: none"> ■ 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. ■ Regional plans provide the opportunity to set goals and targets for supporting food systems and promoting food waste reduction strategies.
<p>Plans Targeting Solid Waste</p>	<p>Moderate Policy</p> <p>Michigan does not have a current solid waste management plan. However, its Solid Waste Policy outlines a statewide recycling goal and identifies composting and waste reduction as strategies to support this goal.²⁶ Michigan also authorized a Solid Waste and Sustainability Advisory Panel to provide recommendations for composting, recycling, and reuse.²⁷</p>	<ul style="list-style-type: none"> ■ Develop a statewide solid waste management plan and provide specific waste diversion goals and recommendations for reduction of food waste through prevention, donation, rescue, and/or processing through composting or anaerobic digestion. ■ Municipalities can modify county solid waste management plans to incorporate a stronger focus on food waste reduction, including by establishing a timeline for achieving diversion goals.

<p>Climate Action Goals</p>	<p>Weak Policy</p> <p>There is no legislative framework for climate action goals. Governor Gretchen Whitmer signed an executive order entering Michigan into the U.S. Climate Alliance and another that commits the state to pursuing greenhouse gas emissions reductions and establishing a goal of statewide carbon neutrality by 2050.²⁸ However, neither of these executive orders specifically addresses food waste reduction strategies.</p>	<ul style="list-style-type: none"> ■ Pass legislation to establish climate action goals that specifically address food waste reduction as it pertains to climate goals. ■ Task specific departments with actionable next steps for advancing emissions reductions in the context of reducing food waste. ■ Create specific recommendations for reducing food waste through climate action planning, and assign to specific departments actionable next steps for moving policy forward. ■ Local climate action goals and plans can be passed to draw the connection between emission reductions and reducing food waste and to further local efforts.
<p>Grants and Incentive Programs Related to Food Waste Reduction</p>	<p>Moderate Policy</p> <p>Michigan provides several grants and other resources to support diversion initiatives at the local level, including a matching grant program in 2021 that allocated \$8.5 million to increasing the statewide recycling rate, bolstering recycling markets, and supporting recycling supply chains.²⁹</p> <p>There are currently no technical assistance or incentive programs in place.</p>	<ul style="list-style-type: none"> ■ Establish a free technical assistance program to help businesses divert organics from the waste stream. Local technical assistance programs can also support these efforts. ■ Create dedicated grant programs to fund initiatives that explicitly focus on food waste reduction. ■ Continue to fund existing grant programs that advance food waste management activity. ■ As a near-term, incremental option, consider implementing an incentive program to encourage 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.

Michigan Food Waste Policy Inventory

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

Michigan has a yard waste disposal ban.³⁰ Other than that, the state does not have any legislation regarding organics disposal bans or waste recycling laws that apply to food waste.

DATE LABELING

In Michigan, milk and milk products, along with other perishable food (including meat but excluding fruits and vegetables), must be labeled with the recommended last day of sale. Nonperishable food does not require a date label but may be labeled with the recommended last day of sale or consumption. Explanatory terms such as “sell by” or “last date of sale” are not required on any food products. Milk, milk products, other perishable food, and nonperishable foods that are date-labeled may not be sold after the label date unless the food is wholesome, sound, and clearly advertised to the final consumer as having passed the label date. Michigan does not prohibit the donation of food past its label date.

Citation	Summary & Key Elements	Source
<p>Mich. Comp. Laws Ann. § 289.8107</p>	<p>Title: Definitions; Prepackaged Perishable Food; Date; Prohibited Sales; Advertisement of Food Sold After Date; Alteration of Date Prohibited; Calculation of Date; Exceptions</p> <p>Summary: Prepackaged perishable food (which includes meat) must be labeled with the recommended last day of sale. Prepackaged nonperishable food does not require a label date. Prepackaged perishable foods and nonperishable foods that are date-labeled may not be sold after the label date unless the food is wholesome and sound and is clearly identified as having passed the date</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ <i>Date</i> is defined as the recommended last day of sale for perishable food and the recommended last day of sale or consumption for nonperishable food. ■ Prepackaged perishable food may not be sold unless there is a last day of sale label on the package. ■ Prepackaged nonperishable food may be sold with or without a date label on the package. ■ The date for prepackaged perishable food may be displayed with or without “explanatory terms,” which include “sell by,” “sell before,” “last date of sale,” “recommended last date of sale,” or “recommended sale date.” ■ Meat that has been removed from a federally inspected retail package may not be sold after the sell-by date. ■ Nonperishable food or prepackaged perishable foods cannot be sold after the sell by date unless the food is wholesome, sound, and clearly identified as having passed the date. 	<p>http://www.legislature.mi.gov/(S(rh3xauf-blf2eleafkcighbtb))/mileg.aspx?page=getObject&objectname=mcl-289-8107</p>
<p>Mich. Comp. Laws Ann. § 288.539</p>	<p>Title: Sell-By Date; Requirements</p> <p>Summary: Milk and milk products must have a date label for the last day of sale, and sale after this date is not permitted unless clearly advertised to the final consumer in a prominent manner as being beyond the recommended last day of sale.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Each processor and manufacturer of milk and milk products sold in Michigan must have a recommended last day of sale on each container. ■ Milk and milk products may not be sold after the sell-by date unless they are advertised to the consumer in a prominent way as being beyond the recommended last day of sale. ■ Milk and milk products must maintain nutritional levels and must not have a change in flavor before the sell-by date. 	<p>http://www.legislature.mi.gov/(S(unontzh-kdjbce2b4bcfvpj))/mileg.aspx?page=getObject&objectName=mcl-288-539</p>

FOOD DONATION LIABILITY PROTECTIONS AND TAX INCENTIVES FOR FOOD RESCUE

Michigan offers civil liability protection for food donation. The state does not offer tax incentives for food rescue.

Citation	Summary & Key Elements	Source
<p>Mich. Comp. Laws Ann. § 691.1572</p>	<p>Title: Perishable or Prepared Food Donations to Nonprofit Corporation or Charitable Organizations; Civil Liability; Exceptions to Immunity</p> <p>Summary: This law offers civil liability protection for individuals and organizations that donate food or distribute donated food in good faith.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ An individual, farmer, food producer, processor, distributor, wholesaler, retailer, gleaner, or other person who in good faith donates perishable canned or farm food items or prepared food to a nonprofit or charitable organization for distribution is not liable in any civil action if any illness or disease is contracted by the recipient of the donated food. ■ This immunity does not apply if the illness or disease resulted from the willful, wanton, or reckless acts of the donor, or if the donor had actual or constructive knowledge that the donated food was tainted or contaminated in such a way that would harm the health or well-being of the recipient of the donated food. ■ Donors are not protected if injury resulted from prepared food that was potentially hazardous food at the time of donation and a state law concerning the preparation, transportation, storage, or serving of the prepared food was violated before the food was donated. ■ Donors are not protected if illness or disease resulted from food in hermetically sealed containers that was not prepared by a commercial processor. 	<p>http://www.legislature.mi.gov/(S(imn5iuvvrvmdv3szietcplsp))/mileg.aspx?page=getobject&objectName=mcl-691-1572</p>

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

MI EGLE’s Solid Waste Section regulates composting facilities in the state. The existing regulation, which became effective in 2008, does not require a permit but does require registration, and it covers only “yard clippings” composting facilities that process more than 200 cubic yards (cy) of material (including what is being composted and finished compost) at any one time. These facilities are allowed to take in “site separated” food waste under their registration designation. The regulation uses the term *garbage* for food waste, defined as “rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable matter.” MI EGLE has been working on revisions to its organics recycling regulations for several years, including by circulating drafts for public comment. The proposed revised rule was introduced to the legislature in 2020, but due to COVID-19, no action was taken. MI EGLE reintroduced it in the 2021 legislative session and hopes to see it passed by the end of the year. Specifics on the proposed revisions were not provided but are likely to include a tiered approach for food waste composting regulations. On-farm anaerobic digestion is regulated by Michigan’s Water Resources Division. The Solid Waste Section does not regulate food waste digestion; however, its proposed revisions would cover facilities not located on farms or at wastewater treatment plants. Finally, the registration limits the amount of yard clippings that can be processed to less than 5,000 cy/acre at one time; to increase that amount, facilities must apply to EGLE and prove the operators are able to compost an increased volume without negative impact to public health and the environment. This would apply to composting facilities that also accept site-separated “garbage.”

Michigan prohibits the exposure of swine to garbage and the use of garbage, offal, or carcasses as feed for swine. In addition, any dairy plant by-products used for feeding purposes for farm animals must be pasteurized.

Citation	Summary & Key Elements	Source
<p>Mich. Comp. Laws Ann. §§ 324.11501 et. seq.</p>	<p>Title: Natural Resources and Environmental Protection Act, Act 451 of 1994, Part 115, Solid Waste Management</p> <p>Summary: Sec. 324.11521 of rule—“Yard clippings; management; means; temporary accumulation; requirements; composting on farm; qualification as registered composting facility; site at which yard clippings are managed”—is Michigan’s only composting regulation. Food waste is not explicitly covered.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Any site processing more than 200 cubic yards (cy) of yard clippings (including what is being processed and finished compost) at any one time must register with MI EGLE. This includes small-scale operations that compost food scraps with yard clippings. ■ Current regulations do not require any permits or approval from EGLE for the composting of site- or source-separated compostable material. Source-separated material includes wood, paper products, garbage (i.e., food waste), yard clippings, or any other material approved by EGLE that is separated at the source of generation for the purpose of conversion into raw materials or new products. Compost is considered a “new product.” Definitions in the solid waste rule that reference food waste are: <ul style="list-style-type: none"> “Food processing residuals.” This covers residuals of fruits, vegetables, aquatic plants, or field crops; otherwise unusable parts of fruits, vegetables, aquatic plants, or field crops from the processing thereof; and otherwise unusable food products intended for human or animal consumption that do not meet size, quality, or other product specifications. “Garbage.” This refers to rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or resulting from the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable matter. ■ Compostable site- or source-separated material can be composted, as long as it is done in compliance with Part 55, Air Pollution Control, Part 115, and Part 31, Water Resources Protection, of the NREPA. ■ Registered facilities cannot have more than 5,000 cubic yards of yard clippings and other compostable material, compost, and residuals present on any acre of the property, unless prior approval has been obtained from EGLE. To process more than 5,000 cy/acre, an applicant must demonstrate to EGLE that the operator of the facility has sufficient knowledge, training, appropriate site design, and equipment to handle a larger volume. ■ Composting facilities are not subject to the industrial stormwater program overseen by EGLE’s Water Resources Division, but any precipitation that comes into contact with compost piles and any leachate from the compost is considered process wastewater, the disposal of which is regulated by the Water Resources Division. The preferred method of leachate management, and the most cost effective, is to collect and reuse all of the runoff on-site to maintain proper moisture levels of the compost piles. ■ Finished compost must not contain more than 1 percent, by weight, of foreign matter if it is put through a 4-millimeter screen. <p>Additional details are provided in the Plans Targeting Solid Waste table, below.</p>	<p>Natural Resources and Environmental Protection Act: http://legislature.mi.gov/doc.aspx?m-cl-451-1994-11-3-115</p> <p>Composting: http://legislature.mi.gov/doc.aspx?m-cl-324-11521</p> <p>Definitions: http://www.legislature.mi.gov/(S(yncsnfmy-bac5grcjw2xe42uw))/mileg.aspx?page=GetObject&objectname=mcl-324-11503</p> <p>Michigan.gov composting page: https://www.michigan.gov/egle/0,9429,7-135-3312_4123-185537--,00.html</p> <p>Regulatory Roadmap (flow chart) for Yard Clippings Management: https://www.michigan.gov/documents/deq/Visio-Compost_flowchart_web_version_226545_7.pdf</p> <p>FAQs: https://www.michigan.gov/documents/deq/Composting_Facilities_Frequently_Asked_Questions_609493_7.pdf</p>

Citation	Summary & Key Elements	Source
<p>Mich. Admin. Code R 336.1285 (bb)</p>	<p>Title: Department of Environmental Quality, Air Quality Division, Air Pollution Control: Permit to Install Exemptions; Miscellaneous</p> <p>Summary: Composting processes are not required to obtain a permit as long as they control release of odors and particulate matter.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Residential, municipal, commercial, or agricultural composting processes or process equipment are exempt from the state’s air permit requirement. ■ Rule notes that noxious odors generally come from composting operations that are not using good operational practices, such as keeping the pad dry and well drained, maintaining the proper mixture of carbon (leaves/wood chips) to nitrogen (grass clippings/foilage trimmings), and properly turning windrows to maintain aerobic conditions. ■ Facilities that are unable to adequately minimize odors can be cited in violation of R 336.1901, which prohibits emissions of air pollutants that “can cause unreasonable interference with the comfortable enjoyment of life and property.” 	<p>https://ars.apps.lara.state.mi.us/AdminCode/DownloadAdminCodeFile?FileName=R%20336.1201%20to%20R%20336.1299.pdf</p>
<p>Compost Operations: Regulations and Best Management Practices Workshop, State Regulation Overview: Water Resources Division (based on Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended)</p>	<p>Title: Compost Operations: Regulations and Best Management Practices Workshop</p> <p>Summary: Issues related to wastewater discharges from yard clippings composting facilities led the Division of Water Resources to analyze wastewater samples and define when compost wastewater would need to be permitted under stormwater permits, National Pollutant Discharge Elimination System permits, or groundwater discharge permits.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ <i>Compost wastewater</i> is defined as a liquid composed of process water; wash water; and/or leachate that ponds, flows laterally from the base of the compost pile, or collects in an under-drainage system. ■ Compost wastewater could require a: <ul style="list-style-type: none"> □ Stormwater Discharge Permit (either Industrial Stormwater and/or Municipal Separate Storm Sewer System). A Stormwater Discharge Permit would not be required if there are no discharges to surface water. □ NPDES Individual Permit and/or Groundwater Discharge Permit. No permit would be required if wastewater is recycled back into active composting or if wastewater is captured/discharged to sanitary sewer or hauled off site. 	<p>https://www.michigan.gov/documents/deq/Compost_Regs_overview-WRD_477080_7.pdf</p> <p>Guidance Document: https://www.michigan.gov/documents/deq/deq-ess-p2tas-waterguidance-Part31ofNREPA_209536_7.pdf</p> <p>Groundwater: http://www.legislature.mi.gov/(S(da34nkb2v-vxnjtb0eazm2rym))/mileg.aspx?page=GetObject&objectname=mcl-324-3112</p> <p>Surface Water: http://www.legislature.mi.gov/(S(r24qkloypu-z0hmlry5y3dq2n))/mileg.aspx?page=GetObject&objectname=mcl-324-3112</p>
<p>Mich. Comp. Laws Ann. § 287.744</p>	<p>Title: Animal Industry Act; Enforcement of Act Criminal and Civil Actions; Felonies; Penalty; Violation of Act or Rule as Misdemeanor; Costs and Attorney Fees; Powers of Director; Failure to Pay Fine; Civil Action and Penalties; Remedies and Sanctions as Independent and Cumulative Powers of Department</p> <p>Summary: A person shall not expose swine to garbage or feed swine garbage, offal, or carcasses. Except, with express director approval, swine may be fed garbage, offal, or carcasses in the event a disease outbreak necessitates such acts.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Swine shall be quarantined by the director of agriculture if exposed to, in contact with, or fed garbage, offal, or carcasses. ■ <i>Garbage</i> means any animal-origin products, including those of poultry and fish origin, or other animal material resulting from the handling, processing, preparation, cooking, or consumption of foods. Garbage includes, but is not limited to, any refuse of any type that has been associated with any such material at any time during the handling, preparation, cooking, or consumption of food. Garbage does not include rendered products or manure. 	<p>http://www.legislature.mi.gov/(S(qjme-5c2raymvgqlolj0mkq0x))/mileg.aspx?page=GetObject&objectname=mcl-287-744</p>

Citation	Summary & Key Elements	Source
Mich. Comp. Laws Ann. § 288.538	<p>Title: Pasteurized Milk and Milk Products for Sale; Requirements</p> <p>Summary: All dairy plant by-products used for feeding purposes for farm animals shall be pasteurized.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Such products can be pasteurized or derived from pasteurized products when specified by the director of agriculture. 	http://www.legislature.mi.gov/(S(vdla0t-b03xeur4nlowgcgq5))/mileg.aspx?page=GetMCLDocument&objectname=mcl-288-538

FOOD SAFETY POLICIES FOR SHARE TABLES

Michigan’s Department of Education (MDE) encourages, but does not require, the use of share tables in schools. MDE developed a Standard Operating Procedure for share tables but encourages localities to contact their local health department for guidance.

Citation	Summary & Key Elements	Source
Michigan Department of Education: Food Service, Administrative Memo No. 7 School Year 2019–2020, March 3, 2020.	<p>Title: Updated Guidance Regarding Share Tables in School Food Programs: U.S. Department of Agriculture (USDA) Guidelines and Application of the Food Code</p> <p>Summary: MDE developed an administrative memo to convey best practices for school districts when implementing a share table.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Establishes best practices for share tables and encourages school districts to check with local health departments to determine relevant food safety rules. ■ Includes a sample Hazard Analysis and Critical Control Point–Based Standard Operating Procedure (SOP) modeled after the USDA’s SOP. ■ Food on share tables can be either directly shared or re-served. <ul style="list-style-type: none"> □ If the food is directly shared, it is left on the share table during the meal service. Any temperature controlled for safety (TCS) food left on the share table is discarded at the end of the meal, and food code provisions are not applicable. Because TCS foods are discarded at the end of the meal period, no temperature control is required. □ For re-service of any foods (including TCS foods), the food on the share table must be maintained at proper temperatures while on the share table. The local health department must grant a variance for re-service of TCS foods. 	https://www.michigan.gov/documents/mde/Admin_Memo_No_7_682598_7.pdf

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

Universities in Michigan have led most of the efforts to develop statewide or regional food systems plans. Michigan State University developed a Good Food Charter, which creates a 10-year plan for Michigan’s food and agriculture system. Although no other state or regional food systems plans exist, the Upper Peninsula Food Exchange (UPFE), a food hub led by the Marquette Food Co-op in conjunction with organizations across the Upper Peninsula, has worked with communities across the Upper Peninsula to provide education and draft guidance on community food systems.³¹ The UPFE created a sample master plan for community food systems and a community food systems guide to help local and regional governments develop their food systems plans.³² UPFE’s work led to Marquette County developing a Local Food Supply Plan in 2013, which was later adopted as a chapter of the county’s comprehensive plan.³³ Similarly, the City of East Lansing’s Master Plan encourages the consideration of food systems priorities in planning to encourage healthy lifestyles for all.³⁴

The East Michigan Council of Governments, comprising 14 counties in east central Michigan, received funding in 2012 from the USDA to prepare a Regional Food Systems Assessment and Plan.³⁵

Citation	Summary & Key Elements	Source
Michigan State University, the Food Bank Council of Michigan, and the Michigan Food Policy Council, Michigan Good Food Charter (2010)	<p>Title: Michigan Good Food Charter</p> <p>Summary: The charter develops a 10-year plan for Michigan's food and agriculture system to support equity and sustainability in local communities.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Sets 25 policy priorities for Michigan to achieve by 2020, including: <ul style="list-style-type: none"> □ 20 percent of food products bought in Michigan will be produced in Michigan; and □ 80 percent of Michigan residents will have easy access to affordable, fresh, healthy food. ■ The strategies focus on creating new economic opportunities, bringing food to where people live, and cultivating a culture that values good food. ■ In 2018 the organizations published a summary detailing progress on some of the charter goals.³⁶ Similar summaries were published in 2014 and 2010.³⁷ ■ The organizations have also hosted summits to advance the goals and priorities of the Good Food Charter and share progress from across the state.³⁸ 	https://www.canr.msu.edu/michiganfood/uploads/files/charter.pdf
Michigan Technological University, Western Upper Peninsula Food Systems Council, 2019/2019 Annual Report (2020)	<p>Title: Western Upper Peninsula Food Systems Council, 2019/2019 Annual Report</p> <p>Summary: Michigan Technological University led the development of this first annual report, which summarizes information learned during Food System Collaborative meetings and resulting objectives for the Western Upper Peninsula food system.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ The Western Upper Peninsula Food Systems Council's first steps include assessing community food systems and food sovereignty by the end of 2021 and conducting a food hub feasibility study by the end of 2022. 	https://static1.squarespace.com/static/5be19cae3c3a533ee914cf15/t/5e85f694f814d443931cdc62/1585837730873/annual+reportfinal.pdf

PLANS TARGETING SOLID WASTE

Michigan requires its 83 counties to develop and maintain solid waste management plans and is currently in the process of expanding the scope of these plans to highlight sustainable materials management principles instead of focusing solely on solid waste management. Several reports and policies outline the state's goals for reaching a 30 percent recycling rate and 50 percent utilization rate by 2025.

Citation	Summary & Key Elements	Source
Michigan Solid Waste Policy (2017)	<p>Title: Michigan Solid Waste Policy</p> <p>Summary: Creates a framework for residents, businesses, organizations, local government, and institutions to view waste as a resource. It highlights the importance of considering the economy, environment, and quality of life in making solid waste management decisions.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Identifies a goal of utilizing 50 percent and recycling 30 percent of Michigan's municipal solid waste by 2025 and ensuring easy access to residential recycling programs by 2020. ■ Identifies composting and waste reduction as strategies to support the aforementioned goals. ■ Notes a need for materials management planning to provide right-sized disposal capacity. ■ States that Michigan "should develop and promote incentive systems" such as technical assistance grants, program development matching grants, market development matching grants, and other incentives. 	https://www.michigan.gov/documents/deq/deq-wmrdp-SolidWastePolicy_FINAL_SWSAP_GRC_608848_7.pdf

Citation	Summary & Key Elements	Source
<p>Governor's Recycling Council Report and Recommendations (2017)</p>	<p>Title: Governor's Recycling Council Report and Recommendations</p> <p>Summary: Provides a series of recommendations from the Governor's Recycling Council and Michigan Department of Environmental Quality to double the state's recycling rate.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Encourages statewide education for increasing recycling and the development of a universal comprehensive recycling program for the state. ■ Encourages a Michigan Recycling Market Development Initiative. ■ Recommends the creation of a Michigan Recycling Improvement Fund to support recycling initiatives. ■ Suggests a process for creating clear performance goals. ■ Provides 30 specific recommendations to improve the recycling rate. ■ Outlines the importance of a materials management approach, addressing composting opportunities as well. ■ Notes an opportunity to increase finished compost use in state construction projects. ■ Encourages technical support to outline a strategy that encourages development of private and public organics processing infrastructure. 	<p>https://www.michigan.gov/documents/deq/deq-wmrpd-GRC_Report_FINAL_555408_7.pdf</p>
<p>Michigan Solid Waste and Sustainability Advisory Panel Report (2017)</p>	<p>Title: Michigan Solid Waste and Sustainability Advisory Panel Report</p> <p>Summary: Provides recommendations for amendments to Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act to focus on materials management planning, providing oversight of composting and materials recovery facilities, and ensuring funding for state and local implementation of requirements related to solid waste.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Solid waste planning should be considered "materials management planning." Michigan should rely less on disposal and more on broader materials management to support increased recycling and reuse consistent with sustainable management. ■ Report proposes changes to authorizations for management of solid waste. <p>Report suggests that compost provisions under Part 115 be amended to increase oversight over compost facilities.</p>	<p>https://www.michigan.gov/documents/deq/deq-wmrpd-SWSAP_Report_FINAL_555407_7.pdf</p>

Citation	Summary & Key Elements	Source
Mich. Comp. Laws Ann. §§ 324.11501 et. seq.	<p>Title: Natural Resources and Environmental Protection Act, Act 451 of 1994, Part 115, Solid Waste Management</p> <p>Summary: These sections outline rules for counties or regional solid waste management planning agencies to conduct solid waste management planning as well as guidelines on the handling of solid waste.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Requires counties or regional planning agencies to develop a solid waste management plan that goes into effect by January 5, 1984. ■ Requires that by September 11, 1979, rules must be formulated for development of solid waste management plans. Rules address items such as benchmarking current practices, review of potential management options (including resource recovery systems and resource conservation), community engagement, enforcement, and a project timeline. ■ Allows the incorporation of reduction, reuse, and composting as strategies for decreasing the volume of solid waste when projecting community disposal requirements. ■ Stipulates that a state solid waste management plan must include both the state plan and all county plans approved or prepared by the Michigan Department of Environment, Great Lakes, and Energy ■ Establishes a grant program to aid county or regional solid waste management planning agencies to fulfill planning duties as required by the act. ■ Additional details are provided in the Organics Processing and Infrastructure Permitting table, below. 	http://www.legislature.mi.gov/documents/mcl/pdf/mcl-451-1994-ii-3-115.pdf

CLIMATE ACTION GOALS

In 2020, Governor Whitmer directed the newly created Office of Climate and Energy to develop a Michigan Healthy Climate Plan, with oversight from an also newly established Council on Climate Solutions. A draft of this plan is due in the fall of 2021, with a final draft mandated for approval by the end of the year. Michigan is part of the U.S. Climate Alliance and is committed to being carbon neutral by 2050. Specific plans to reduce emissions have not been released, but the state’s goals present a very good opportunity for promoting food waste reduction.

Citation	Summary & Key Elements	Source
Executive Directive 2020-182	<p>Title: Council on Climate Solutions</p> <p>Summary: Establishes a Council on Climate Solutions to oversee development of the Michigan Healthy Climate Plan.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Creates the council as an advisory body to the governor and the Department of Environment, Great Lakes, and Energy. ■ Charges the council with oversight of the Michigan Healthy Climate Plan (see below), including identifying and recommending opportunities and solutions to address the disproportionate impacts on certain communities across the state. ■ Requires the council to provide regular reports to the governor. 	https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-540277--,00.html

Citation	Summary & Key Elements	Source
<p>Executive Directive 2020-10, September 23, 2020</p>	<p>Title: Building a Carbon-Neutral Michigan</p> <p>Summary: Directs MI EGLE’s Office of Climate and Energy to create a Michigan Healthy Climate Plan to reduce greenhouse gas emissions and shift to carbon neutrality.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Establishes a goal of statewide carbon neutrality by 2050 and maintenance of net negative greenhouse gas emissions following this date. ■ Requires the Office of Climate and Energy to develop, no later than December 31, 2021, a Healthy Climate Plan for the state to achieve these goals. ■ Requires MI EGLE to submit annual reports on progress beginning December 31, 2022. ■ Directs the Department of Technology, Management and Budget to evaluate cost and energy efficiency when renovating state-owned buildings, with a goal of new and renovated state buildings being carbon neutral by 2040, and existing facilities reducing energy use by 40 percent by 2040. 	<p>https://www.michigan.gov/whitmer/0,9309,7-387-90499_90704-540278--,00.html</p>
<p>Executive Directive 2019-12, February 4, 2019</p>	<p>Title: Responding to Climate Change</p> <p>Summary: Enters Michigan into the U.S. Climate Alliance, which commits the state to pursuing a 26–28 percent reduction in greenhouse gas emissions, relative to 2005 levels, by 2025.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Commits Michigan to tracking and reporting progress to the global community. ■ Accelerates new and existing policies to reduce carbon pollution and promote clean energy. 	<p>https://www.michigan.gov/whitmer/0,9309,7-387-90499_90704-488740--,00.html</p>
<p>Executive Directive 2019-6, February 20, 2019</p>	<p>Title: Executive Reorganization</p> <p>Summary: Reorganizes state agencies with a focus on improving the quality of Michigan’s air, land, and water; protecting public health; and encouraging the use of clean energy.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Changes name of the Department of Environmental Quality to the Department of Environment, Great Lakes, and Energy. ■ Creates an Interagency Environmental Justice Response Team. ■ Establishes an Office of Climate and Energy to coordinate the state’s climate response and mitigation efforts. 	<p>https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-490039--,00.html</p>

GRANTS AND INCENTIVE PROGRAMS RELATED TO ADVANCING FOOD WASTE REDUCTION

The state has developed several grant programs and other resources, including a Guide: Operational and Funding Options for Municipal Recycling Programs, to support diversion initiatives at the local level.³⁹ Public Act No. 69 of 2005 amended Mich. Comp. Laws Ann. § 124.508(a) to provide a mechanism by which local municipalities can assess a fee to support recycling and composting efforts. Additionally, the Department of Agriculture and Rural Development maintains a list of grant and funding opportunities, many of which do not directly reference composting programs but may be applied to food systems.⁴⁰

Citation	Summary & Key Elements	Source
<p>Recycling and Organics Infrastructure Grant Program, Michigan Department of Environment, Great Lakes, and Energy</p>	<p>Title: Recycling Infrastructure Grants</p> <p>Summary: A matching grant program to support efforts to increase the statewide recycling rate.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ With applications open through August 18, 2021, this grant offers funding for projects aimed to increase the state's recycling rate, improve collection and processing capacity or other infrastructure for food waste, and increase recycling or food waste composting participation rates. ■ Eligible applicants include businesses, nonprofit organizations, tribal governments, schools, local health departments, regional planning agencies, municipalities, municipal solid waste authorities, and resource recovery authorities located in Michigan. ■ The maximum award per project is \$1 million. ■ Grantees must provide matching funds equaling 20 percent of the total project budget. 	<p>https://www.michigan.gov/documents/egle/MMD-Sustainability-FY2021_Recycling_Grant_RFP_722389_7.pdf</p>
<p>Recycling Market Development Grant Program, Michigan Department of Environment, Great Lakes, and Energy</p>	<p>Title: Recycling Market Development Grants</p> <p>Summary: A matching grant program to support statewide recycling markets and the use of recycled material.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Funding is available for projects that support research and testing, marketing, data collection and analysis, processing equipment, product commercialization and use, and partnership projects. ■ Eligible applicants include businesses, nonprofit organizations, tribal governments, schools, local health departments, regional planning agencies, municipalities, municipal solid waste authorities, and resource recovery authorities located in Michigan. ■ Individual award maximums vary by category, not to exceed \$300,000. ■ A match of at least 20 percent of the project budget is required for most projects, and a 50 percent match is required for several categories. ■ An additional Micro Project grant category is available for funding requests up to \$10,000, with no matching funds required. ■ Preference is given to a variety of categories, including organics. 	<p>https://www.michigan.gov/documents/egle/MMD-Sustainability-FY2021_Recycling_Grant_RFP_722389_7.pdf</p>
<p>NextCycle Michigan</p>	<p>Summary: This initiative was developed in partnership with private and nonprofit entities; the goal is to incubate ideas and foster development of the state's recycled material supply chain and end markets.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Supports recycling and recovery efforts in Michigan. ■ Challenge participants compete for start-up funds while developing a road map for their project. Awardees receive resources and technical support. ■ Innovation Challenge addresses six tracks, one of which is "Foods, Liquids, & Organic Waste Systems." ■ Funding is provided through the Renew Michigan Fund in partnership with private and nonprofit investments. 	<p>https://www.nextcyclemichigan.com/</p>

Citation	Summary & Key Elements	Source
<p>Public Act No. 69 of 2005/ Mich. Comp. Laws Ann. § 124.508(a)</p>	<p>Title: Enrolled Senate Bill No. 79 (2005).</p> <p>Summary: Municipalities can work with local government units to establish a special assessment of up to \$25 per year per household (or, if approved by voters, up to \$50 per year) for recycling, composting, and/or household hazardous waste projects. Voters can also approve a surcharge for commercial businesses.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Amends Mich. Comp. Laws Ann. § 124.508(a) to impose surcharge on households for waste reduction programs and collection of consumer source-separated materials for recycling or composting. 	<p>https://www.legislature.mi.gov/(S(ixstjmpz2jmt01sbflw2yd))/mileg.aspx?page=getObject&objectName=mcl-124-508a</p> <p>Guide: Use of Special Assessments to Fund Recycling Services & Facilities: https://www.michigan.gov/documents/deq/ResidentialRecycling-SpecialAssessments_487888_7.pdf</p>
<p>Michigan Rural Development Fund Grants, Department of Agriculture and Rural Development</p>	<p>Title: Michigan Rural Development Fund Grants</p> <p>Summary: The Michigan Department of Agriculture and Rural Development offers funding to support land-based industries and infrastructure that benefits rural communities.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Supported industries include food and agriculture, forestry, and tourism, among others. ■ Grant funds can be applied to worker training, expansion and sustainability efforts, and infrastructure for energy, transportation, communication, water, and wastewater. ■ While the grant application does not directly reference organics management projects, it does not directly prohibit these either. 	<p>https://www.michigan.gov/mda/rd/0,4610,7-125-1570_51684_78392---,00.html</p>
<p>Reducing/Diverting Wasted Food 2016, Michigan Department of Environment, Great Lakes, and Energy</p>	<p>Title: Reducing/Diverting Wasted Food 2016</p> <p>Summary: In 2016 funding was awarded through Community Pollution Prevention Grants to four projects that promoted food waste reduction and diversion.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ The Michigan Department of Environment, Great Lakes, and Energy identified food waste as a significant waste stream with high potential for reduction. ■ It does not appear that this grant has been offered since. 	<p>https://www.michigan.gov/egle/0,9429,7-135-70153_70155_3585_57765_62565-388572--,00.html</p>

Ohio Food Waste Policy Gap Analysis

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Organics Disposal Bans and Recycling Laws	<p>No Policy</p> <p>Ohio has a landfill disposal ban for yard trimmings but has not enacted a food waste disposal ban, and the Ohio Environmental Protection Agency (Ohio EPA) has shifted its approach to focus on nonregulatory strategies and incentives for materials diversion. Ohio EPA also offers a voluntary food scraps initiative.⁴¹</p>	<ul style="list-style-type: none"> ■ Continue providing educational materials and funding opportunities to expand food waste reduction. ■ Enact a 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. <p>Note: Progress on the recommendations below, particularly in the areas of Liability Protection, Tax Incentives, Organics Processing Permitting, Food Systems Plans, and Solid Waste Management Plans can help make food waste reduction more common, which can lower barriers to implementing policies like a disposal ban.</p>
Date Labeling	<p>Weak Policy</p> <p>Ohio requires sell-by dates for packaged perishable food and for shellfish.⁴² There is no differentiation between quality-based and safety-based dates, and no clear permission to donate after the quality-based date.</p>	<ul style="list-style-type: none"> ■ Establish guidelines expressly allowing the donation or the freezing of food after a 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	<p>Strong Policy</p> <p>Ohio provides liability protections beyond those afforded by the Bill Emerson Good Samaritan Food Donation Act.⁴³ These include a presumption of good faith, cover donations made directly to individuals, and allow distributors to charge a small fee for donated food. Ohio also notes explicitly that a presumption of liability does not arise merely because a sell-by date has passed.</p>	<p>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.</p>
Tax Incentives for Food Rescue	<p>No Policy</p> <p>Ohio provides no additional tax deductions or credits for the donation of food beyond those offered by the federal government.</p>	<ul style="list-style-type: none"> ■ Offer tax incentives to offset the costs of food donation, including the cost of transporting donated food. ■ Offer a tax credit for donation by farmers.
Organics Processing Infrastructure Permitting	<p>Moderate Policy</p> <p>Ohio has separate permitting tiers for source-separated organics and has simplified permitting for facilities accepting food scraps. It also has an exemption for small composting projects and raised the maximum processing threshold in 2018. Ohio EPA has determined that anaerobic digestion permitting falls under applicable air and water pollution control rules.</p>	<ul style="list-style-type: none"> ■ 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 (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 Ohio has developed specific share table guidance to convey best practices and food safety requirements for share tables in school cafeterias. ⁴⁴	<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	Weak Policy Several local plans consider food waste, but a statewide program run by the Ohio Ecological Food and Farm Association does not. ⁴⁵ None of these plans are supported by the state.	<ul style="list-style-type: none"> ■ 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. ■ Regional plans provide the opportunity to set goals and targets for supporting food systems and promoting food waste reduction strategies.
Plans Targeting Solid Waste	Strong Policy Ohio's State Solid Waste Management Plan is kept current. ⁴⁶ It outlines waste diversion and recycling goals and recommendations for diversion.	<ul style="list-style-type: none"> ■ Continue to maintain the existing plan and encourage local participation in the process. ■ Local Solid Waste Management Plans can be modified to incorporate a stronger focus on food waste reduction, including by establishing a timeline for achieving diversion goals.
Climate Action Goals	No Policy Ohio does not have any state-level climate action policies or goals.	<ul style="list-style-type: none"> ■ Pass legislation and/or issue executive orders to establish climate action goals. ■ Create specific recommendations for reducing wasted food through climate action planning and assign to specific departments actionable next steps for moving policy forward. ■ In the absence of new legislation and/or executive orders, amend existing sustainability initiatives to further incorporate food waste reduction. ■ Local climate action goals and plans can be passed to draw the connection between emission reductions and reducing food waste and to further local efforts.
Grants and Incentive Programs Related to Food Waste Reduction	Moderate Policy Ohio provides several grants and funding for food loss and waste prevention and for promotion of food rescue programs, but it does not offer technical assistance or incentive programs to businesses to support food waste diversion.	<ul style="list-style-type: none"> ■ Establish a free technical assistance program to help businesses divert organics from the waste stream. Local technical assistance programs can also support these efforts. ■ Increase dedicated grant programs to fund initiatives that explicitly focus on food waste reduction efforts. ■ Continue to fund existing grant programs that advance food waste management activity. ■ As a near-term, incremental option, consider implementing an incentive program to encourage 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.

Ohio Food Waste Policy Inventory

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

Although the state has implemented a landfill disposal ban for yard trimmings, Ohio has not enacted any organics disposal bans or recycling laws that address food scraps.⁴⁷ As noted in Ohio’s State Solid Waste Management Plan (described below in Plans Targeting Solid Waste), given the state’s past experience with yard waste restrictions, it is unlikely that it will implement new disposal restrictions.⁴⁸ Instead, the Ohio EPA has shifted its approach on disposal restrictions to a focus on nonregulatory strategies and incentives for materials diversion, including outreach and education. The Ohio EPA offers a voluntary food scraps recovery initiative with tips and resources that encourage communities and businesses to divert food scraps from landfills.⁴⁹

DATE LABELING

The only food items that require date labeling in Ohio are shellfish and perishable foods, not including fresh fruits, vegetables, or meat. No food item is restricted from being donated or sold after the labeled date (for certain packaged perishable foods, this is true as long as certain requirements are met).

Citation	Summary & Key Elements	Source
Ohio Rev. Code § 3715.171 (1977)	<p>Title: Date Labels for Perishable Foods</p> <p>Summary: Perishable foods require a sale date.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ <i>Sale date</i> is the date by which the manufacturer, processor, or packager of a packaged food product recommends that the product be sold for consumption, based on the product’s quality assurance period. ■ <i>Quality assurance</i> period is the span of time after normal manufacturing, processing, and packaging procedures during which a food product is exposed to normal conditions and maintains conformity of all characteristics normally associated with the product. ■ The sale of any packaged perishable food product that has a quality assurance period of 30 days or less is not permitted unless the package is clearly marked by the packager with the sale date. The date must be legible and understandable to the consumer. <ul style="list-style-type: none"> □ This does not apply to fresh fruits and vegetables or to meat, including poultry, both packaged and unpackaged. □ This does not apply to businesses that have sold less than \$100,000 of all products during the year prior. 	http://codes.ohio.gov/orc/3715.171
Ohio Admin. Code 901:3-8-03 (2020)	<p>Title: General Requirements for Dealers</p> <p>Summary: Shellfish must have a sell-by date labeled on the container.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Packages of fresh or frozen shellfish containing less than 64 ounces of product must have: <ul style="list-style-type: none"> □ A sell-by date that indicates a reasonable subsequent shelf life or the words “best if used by” followed by a date on which the product is expected to reach the end of its shelf life. □ The date must have the abbreviation of the month and number of the day of the month. □ The date on packages of frozen shellfish must also include the year. ■ Packages with 64 ounces or more of fresh or frozen shellfish must have: <ul style="list-style-type: none"> □ A “date shucked” that appears on the lid or sidewall or bottom of disposable containers. □ For fresh shellfish, this date must be formatted to include the number of the day in the calendar year, or the month and numerical day of the month. □ For frozen shellfish, the year must also be included in this date. □ If the dealer repacks the shellfish, then the original date of shucking must be used in establishing the sell-by date. 	http://codes.ohio.gov/oac/901:3-8-03

FOOD DONATION LIABILITY PROTECTIONS AND TAX INCENTIVES FOR FOOD RESCUE

Ohio offers civil liability protection for food donation. Federal protections afforded by the Bill Emerson Good Samaritan Act also apply. Ohio does not offer any tax incentives for food donation.

Citation	Summary & Key Elements	Source
Ohio Rev. Code § 2305.37 (2007)	<p>Title: Person Donating Perishable Food for Distribution to Needy Individuals Not Liable for Injuries</p> <p>Summary: Donors and distributors that, in good faith, donate perishable food to an agency are not liable in tort action for harm that may arise from the donated foods.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ A person or agency that, in good faith, donates perishable food or consumer goods to a nonprofit or directly to an individual is not liable for damages in a tort action for harm that may arise from food that was unfit for human consumption if: <ul style="list-style-type: none"> □ The donor or agency determines beforehand that the perishable food or consumer goods will be fit for human consumption at the time of the donation to an agency. □ The donor or agency does not donate food that is unfit for human consumption in a manner that constitutes gross negligence or willful or wanton misconduct. ■ A presumption of liability does not arise merely because the applicable sale or best-by date has passed. 	https://codes.ohio.gov/orc/2305.37

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

The Ohio EPA has used regulatory tiers for composting since its rules were originally adopted in 1993. Revisions done in 2012 added a 300-square-foot area-based (rather than quantity-based) exemption for small-scale composting of yard trimmings and food scraps, such as at community gardens. Rule revisions made in 2018 increased that limit to 500 square feet, in large part because the agency observed that these sites were operated without causing a public nuisance. Other revisions in 2018 included classifying spent coffee and tea grounds as an “additive” and not a food waste, allowing all classes of facilities to accept these materials, and aligning construction and design performance standards with stormwater and wastewater best management practices. Thermal and biological solid-waste-to-fuel conversion facilities (e.g., anaerobic digesters processing food scraps) are currently subject to Ohio EPA’s air pollution control requirements and may need to acquire a permit for emission sources and material handling operations. In addition, if these facilities have wastewater discharges, they must obtain appropriate permits or authorizations for these discharges. If these facilities operate in the same manner as a solid waste transfer station (e.g., receiving and storing waste onsite rather than loading it directly into a digester feeder tank), then they will have to get a permit and license as a transfer station for the receiving area.

Garbage, defined as waste derived from animals, can be fed to swine by a licensed individual provided it is heat treated. Individuals may feed their own animals garbage from their own households. Bakery waste, candy waste, eggs, vegetables, and dairy products may also be fed to animals without conditions.

Citation	Summary & Key Elements	Source
<p>Ohio Admin. Code 3745-560 (2018)</p>	<p>Title: Composting Facilities</p> <p>Summary: Ohio categorizes composting facilities into four classes. Class II facilities can accept food scraps as well as yard trimmings, agricultural waste, and animal waste. (Class I facilities can accept the same materials as Class II facilities, but may also accept mixed solid waste.) Three components associated with establishing a Class II composting facility are registration, a license, and financial assurance.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Compost Classes: <ul style="list-style-type: none"> □ A Class I solid waste composting facility may accept yard waste, agricultural plant materials, dead animals, raw rendering material, animal waste, food scraps, mixed solid waste, bulking agents, additives, and authorized alternative materials. A permit and a solid waste license are required. □ A Class II solid waste composting facility may accept yard waste, agricultural plant materials, dead animals, raw rendering material, animal waste, food scraps, bulking agents, additives, and authorized alternative materials. Registration is required. □ A Class III solid waste composting facility may accept yard waste, agricultural plant materials, dead animals, raw rendering material, animal waste, bulking agents, additives, and authorized alternative materials. The material placement area is limited to a maximum of 135,000 square feet. Registration is required. □ A Class IV solid waste composting facility may accept only yard waste, agricultural plant materials, bulking agents, additives limited to source-separated spent coffee and tea grounds, urea, bacterial or fungal inoculum, and authorized alternative materials. Registration is required. ■ Exemptions from the composting regulations include “any person composting yard waste, agricultural plant materials, animal waste, food scraps, bulking agents, and additives within an aggregate area not greater than 500 square feet on any premises in a manner that noise, dust, and odors do not constitute a nuisance or health hazard and does not cause or contribute to surface or ground water pollution.” Also exempt are composting facilities at “locations engaged in agriculture,” as long as the owner of the composting facility is the same as the owner of the agricultural operation where the material to be composted is generated, and as long as the compost produced is used exclusively at the agricultural operation. ■ An owner or operator who accepts food scraps is required to: <ul style="list-style-type: none"> □ By the end of operating hours on the day of receipt, incorporate the food scraps into the composting process or combine with bulking agents in a manner that prevents nuisances including but not limited to odor, vectors, and litter. □ Maintain a stockpile of biofilter material to provide at minimum a 6-inch cover to piles containing food scraps, and apply a biofilter cover of at least 6 inches on the piles if odors, dust, or vectors are present or upon written request by Ohio EPA or the approved board of health. □ Control free liquid from the incoming food scraps using a berm consisting of compost, bulking agents, or other absorbent material placed around the area where the incoming material is handled and mixed. 	<p>https://epa.ohio.gov/dmwm/dmwmnonhazrules/LiveAcclId/126976#126977204-oac-chapter-3745-560-composting-program</p> <p>Class II composting facility permitting guidance: https://epa.ohio.gov/portals/34/document/guidance/gd_667.pdf</p>

Citation	Summary & Key Elements	Source
Ohio Admin. Code 3745-560 (2018) <i>Continued</i>	<ul style="list-style-type: none"> ■ The owner or operator must ensure that the technical operation and maintenance of the composting facility is under the responsible charge of an operator certified as having completed the training required by the regulation. ■ Leachate must be collected and contained within the boundary of the composting facility and must be prevented from discharging to waters of the state, unless the facility has a permit from the Division of Surface Water. Leachate includes liquid that has come in contact or been released from compost products or solid wastes including feedstocks, bulking agents, or additives. ■ The materials placement area must have a slope of 1 percent to 6 percent to control surface water drainage. The facility must prevent run-on from reaching the materials placement area and prevent ponding and erosion. 	<p>https://epa.ohio.gov/dmwm/dmwmnonhazrules/LiveAcclId/126976#126977204-oac-chapter-3745-560-composting-program</p> <p>Class II composting facility permitting guidance: https://epa.ohio.gov/portals/34/document/guidance/gd_667.pdf</p>
DMWM Policy #1010 Sept. 2011	<p>Title: Final Policy Regarding Regulation of Facilities That Use Thermal and Biological Conversion Technologies to Convert Solid Waste to Fuels</p> <p>Summary: In 2011 Ohio EPA finalized its policy to not regulate thermal or biological solid-waste-to-fuel conversion facilities under the state's solid waste laws unless such facilities are also operating as solid waste transfer facilities. These will be regulated under the state's existing applicable air and water pollution control laws. Ohio EPA noted "this policy does not have the force of law."⁵⁰</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Every digester must submit an application to the Division to determine if the operation meets the de minimis threshold to not require an air permit, or to obtain a general permit. ■ A stand-alone anaerobic digester (as opposed to one at a wastewater treatment plant) may need a National Pollutant Discharge Elimination System permit if it is going to discharge effluent. ■ The solid waste division will be involved only if there are issues related to the management of solid waste, e.g., if the facility is bringing in solid waste and not loading it directly into a feeder tank. If the facility operates in the same manner as a solid waste transfer station, then it must get an Ohio EPA Solid Waste Division permit and license as a transfer station for the receiving area. ■ If digestate is composted on site to be marketed as compost (and the site accepts bulking materials needed to compost), the facility must register and license that part of the operation as a composting facility. 	<p>https://www.epa.state.oh.us/portals/34/document/guidance/Policy_waste_to_fuel_2012.pdf</p> <p>https://www.epa.ohio.gov/dapc/genpermit/Digester_gp13</p>
Ohio Rev. Code §§ 942.01-.01-13 (2007)	<p>Title: Garbage-Fed Swine and Poultry</p> <p>Summary: Heat-treated garbage may be fed to swine.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ <i>Garbage</i> is defined as all waste material that is derived in whole or in part from the meat of any animal, including fish or poultry, or other animal material, and other waste material that results from the handling, preparation, cooking, or consumption of food. ■ <i>Treated garbage</i> is defined as any edible garbage for consumption by swine that has been heated to high temperature while being agitated, except in steam cooking equipment, to ensure that the garbage is heated throughout for 30 minutes under the supervision of someone licensed to oversee such activity. ■ No person shall feed swine heat-treated garbage without a license to do so. ■ Swine that have been fed treated garbage shall be consigned to a recognized slaughtering establishment for immediate slaughter. ■ This does not apply to individuals feeding their own swine garbage from their own household. ■ This does not apply to an individual who feeds only bakery waste, candy waste, eggs, vegetables, or dairy products to swine. ■ This also does not apply to rendered products, which includes material that has been ground and heated to a minimum of 230 °F. 	<p>http://codes.ohio.gov/orc/942</p>

FOOD SAFETY POLICIES FOR SHARE TABLES

The Ohio Department of Agriculture and Department of Health have issued guidelines for creating share tables in schools, including identifying relevant sections of the Food Code.

Citation	Summary & Key Elements	Source
Guidance for School Share Tables	<p>Summary: This document, produced by the Ohio Department of Agriculture and Department of Health, lists the sections of the Food Code that are relevant to share tables and sets out general guidelines for share table food safety.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Stipulates that except for fruits with peels, such as bananas and oranges, donated food should be in intact packaging. ■ Foods that are temperature controlled for safety (TCS) should be stored at or below 41 °F or should remain on the table no longer than 3 hours. ■ The share table should be monitored by staff, and any foods that have been opened, punctured, or contaminated or adulterated in any way should be discarded. ■ Any food remaining at the end of meal service (except improperly handled TCS foods) should be donated. 	<p>https://www.foodrescue.net/uploads/4/3/2/6/43260919/ohio_department_of_health_and_department_of_agriculture_share_table_guidance__l_.pdf</p>

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

Ohio has a few local food systems plans that consider food waste, report on progress towards reducing food waste, and set goals for future targets. Ohio also has a statewide program run by the Ohio Ecological Food and Farm Association, but it does not address food waste.

Citation	Summary & Key Elements	Source
Local Food Action Plan: City of Columbus and Franklin County, Ohio (2019)	<p>Summary: Produced by the Local Food Board and the City and County staff of the Columbus & Franklin County Local Food Action Plan (LFAP) Project Team, this is the most recent of a series of annual reports announcing food system accomplishments from the past year and goals for the upcoming years.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Aims to grow local food production. ■ Sets a goal to cut food waste 50 percent by 2050, beginning with school engagement, a regional composting feasibility study, and public engagement campaign. ■ Notes focus on equity and food access. 	<p>https://www.columbus.gov/publichealth/programs/Local-Food-Action-Plan/</p>
Greater Cincinnati Regional State of Local Food Report (June 2019)	<p>Summary: Green Umbrella is an area nonprofit that brings together stakeholders on its Green Umbrella Local Food Action Team. This report includes data on the local food system and makes recommendations for growing the local food economy.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Includes data on the local food system. ■ Lists goals and strategies, including increasing farmland accessibility. ■ Recommends technical assistance and a designated supply chain coordinator, building the demand for local food, and scaling up current food rescue efforts. 	<p>https://www.greenumbrella.org/resources/GU-Action-Teams/Local-Food-Action-Team/State-of-Local-Food-Update-2019-FINAL.pdf</p>
Cincinnati State of Wasted Food in Greater Cincinnati (June 2019)	<p>Summary: This report from Green Umbrella includes data on food waste and makes strategic recommendations, following the food recovery hierarchy.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Updates data on food waste. ■ Recommends strategies in three categories: prevention (including date labeling and consumer education), recovery (including developing infrastructure and requiring planning), and recycling (including exploring opportunities for food diversion and composting/anaerobic digestion). 	<p>https://www.greenumbrella.org/resources/Documents/State-of-Food-Waste-FINAL.pdf</p>

Citation	Summary & Key Elements	Source
Opportunity in a Time of Crisis: Recommendations for Building a More Resilient Ohio Food System (June 2020)	<p>Summary: This report was developed by the Ohio Ecological Food and Farm Association, Ohio Farmers Market Network, Ohio Food Policy Network, and Produce Perks Midwest. It identifies eight goals for a more resilient food system.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Notes challenges and successes for the Ohio food system in recent years. ■ Recommends establishment of an interagency food work group to identify strategies to fund and build farmers market capacity. ■ Recommends establishment of an interagency food work group to identify areas where food preservation, processing, and distribution facilities are needed and how they can be financed. ■ Advocates for aid for underserved farmers and those selling into local food systems. ■ Encourages passage of the Family Farm ReGeneration Act. ■ Recommends changes to state contract bidding requirements for local food purchasing. ■ Recommends online infrastructure development for Supplemental Nutrition Assistance Program nutrition incentive programming. ■ Advocates for legislation supporting nutrition education. 	https://action.oeffa.com/opportunity-in-crisis-report/

PLANS TARGETING SOLID WASTE

Ohio's 88 counties are represented by 52 Solid Waste Management Districts (SWMDs), which are required by House Bill 592 of 1988 to create and maintain solid waste management plans. In 2019 the state released its 2020 State Solid Waste Management Plan, which outlines goals and strategies for materials management.

Citation	Summary & Key Elements	Source
2020 State Solid Waste Management Plan	<p>Summary: Provides an update to the previous State Solid Waste Management Plan from 2009, establishing revised materials management goals and suggesting strategies for meeting these goals.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Establishes a goal for SWMDs to offer at least three programs, activities, or services to industrial generators. ■ Establishes 10 reduction and recycling goals for the state. SWMDs are required to comply with at least 8 of the goals, including Goal 1 or Goal 2. Goals include: <ol style="list-style-type: none"> 1. Provide adequate recycling opportunities for 80 percent of residents and commercial generators. 2. Achieve a 25 percent waste reduction and recycling rate for commercial and residential waste. 3. Provide outreach and education through a website, a comprehensive resource guide, an infrastructure inventory, and a speaker or presenter. 4. Provide outreach and education as well as technical assistance for materials management programs, including composting. 5. Offer a strategic initiative for the industrial sector. 6. Offer management for restricted solid wastes, household hazardous waste, and electronics. 7. Explore economic incentives for source reduction and recycling programs. 8. Follow the EPA WARM model (or equivalent) to evaluate greenhouse gas emissions reductions through recycling programs. 9. Optional: Support market development for recycled materials. 10. Provide an annual report on the status of the SWMDs solid waste management plan. 	https://epa.ohio.gov/Portals/34/document/general/state_plan_.pdf

Citation	Summary & Key Elements	Source
2020 State Solid Waste Management Plan <i>Continued</i>	<ul style="list-style-type: none"> ■ Identifies strategies the state will follow for promoting materials management, such as collaborating with trade organizations to support industrial generators, providing information and outreach, supporting community recycling education, promoting a reduction of contamination, bolstering multifamily recycling initiatives, creating a hierarchy of strategies for communities to follow when implementing recycling programs, and developing case studies of successful recycling education programs. ■ Identifies an opportunity to offer grant funding for equipment for food recovery. ■ Identifies barriers to recovering materials, including low disposal tipping fees, waste stream contamination, and a lack of infrastructure. 	https://epa.ohio.gov/Portals/34/document/general/state_plan_.pdf
Ohio Rev. Code §3734.50 (2015)	<p>Title: State Solid Waste Management Plan</p> <p>Summary: Instructs the director of environmental protection, with support from the Materials Management Advisory Council, to prepare a solid waste management plan to address a variety of materials management considerations.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Requires a reduction in the use of landfills for managing solid waste. ■ Identifies objectives for waste reduction, reuse, recycling, and minimization. ■ Offers recommendations for promotion of recycled-content materials. ■ Requires the state to develop a solid waste management plan. ■ Directs counties to establish solid waste management districts, either individually or in collaboration with one or more other counties. These districts are required to develop and update local solid waste management plans. 	https://codes.ohio.gov/orc/3734.50#:~:text=lf%20any%20revision%20to%20the,waste%20with%20mixed%20municipal%20solid

CLIMATE ACTION GOALS

There are no state-level climate action policies or goals in Ohio. Hosted by the Ohio State University, the State Climate Office of Ohio maintains a roster of climate change resources.⁵¹ Additionally, several Ohio cities and counties, such as Cleveland and Cuyahoga County, have developed climate action goals and plans.⁵²

GRANTS AND INCENTIVE PROGRAMS RELATED TO ADVANCING FOOD WASTE REDUCTION

The state's 2020 Solid Waste Management Plan notes an intent by the Ohio EPA to evaluate priorities for grant funding and adjust on the basis of state needs. A full list of funding opportunities through the Ohio EPA is available online.⁵³ As noted in the table below, several funding opportunities exist to support food waste diversion initiatives in the state.

Citation	Summary & Key Elements	Source
Ohio Rev. Code §1506.22 (2001)	<p>Title: Ohio Environmental Education Fund</p> <p>Summary: Provides funding for projects that raise awareness and educate about environmental issues.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Mini grants of \$500 to \$5,000 and general grants up to \$50,000 are awarded through this opportunity. ■ Grants are awarded for up to a 2-year term. ■ Funding is limited to Ohio-based entities. ■ A cash match of 10 percent is required, and a match of 50 percent or more receives an additional point in the review process. ■ Approximately \$750,000 is awarded annually. ■ Due to projections of budget shortfalls, it is expected that the state will not offer this funding opportunity in 2021. 	https://codes.ohio.gov/orc/3745.22

Citation	Summary & Key Elements	Source
Academic Institution Grant	<p>Title: Academic Institution Grant</p> <p>Summary: Funding is available to schools and institutions for recycling efforts, including outreach and education, conference attendance, and equipment.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Recycling equipment can include materials for an organics recycling program. ■ Up to \$100,000 is available for this initiative, and a 25 percent match is required. 	<p>https://epa.ohio.gov/ocapp/recycling#1843210607-academic-institution-grant</p> <p>2021 Grant Fact Sheet: https://epa.ohio.gov/Portals/41/recycling/AIG.pdf?ver=2019-10-03-094655-650</p>
Ohio Rev. Code §3736.02 (2007)	<p>Title: Market Development Grant</p> <p>Summary: Offers funding to grow capacity for recycling processing and recycled material production. This can include equipment.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Businesses must have a government sponsor. ■ Organics processing or collection equipment is included in this grant. ■ Project term is up to 2 years. ■ Up to \$200,000 is available for funding, and a 100 percent match is required. 	<p>http://codes.ohio.gov/orc/3736.02v1</p> <p>https://epa.ohio.gov/ocapp/recycling#1843210479-market-development-grant</p> <p>2021 Grant Fact Sheet: https://epa.ohio.gov/Portals/41/grants/MDG.pdf</p>
Ohio Rev. Code §6123 (2010)	<p>Title: Solid Waste Program</p> <p>Summary: The Ohio Water Development Authority (OWDA) offers loans for planning/design and/or construction of infrastructure for solid waste management.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Program includes funding for planning, design, and construction of compost facilities. ■ Program is funded by the OWDA Solid Waste Fund from OWDA revenue bond surplus. ■ Funding is available to local governments and solid waste districts that have met minimum criteria. 	<p>http://codes.ohio.gov/orc/6123</p> <p>https://www.owda.org/owda-doc/Program%20Info/NotesSLW%202010July.pdf</p> <p>Ohio Water Development Authority Summary List of Funding Opportunities: https://www.owda.org/summary-list</p>

Wisconsin Food Waste Policy Gap Analysis

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Organics Disposal Bans and Recycling Laws	No Policy Wisconsin has a yard waste disposal ban. ⁵⁴ However, it has not enacted a disposal ban for food waste, and there is no financial incentive structure to encourage food donation or waste diversion.	<ul style="list-style-type: none"> ■ 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. ■ Continue providing educational materials and funding opportunities to expand food waste reduction. ■ Continue progress on the development of a statewide waste characterization study to understand types and quantities of materials landfilled in the state and to inform future policies and plans. <p>Note: Progress on the recommendations below, particularly in the areas of Liability Protection, Tax Incentives, Organics Processing Permitting, Food Systems Plans, and Solid Waste Management Plans can help make food waste reduction more common, which can lower barriers to implementing policies like a disposal ban.</p>
Date Labeling	Weak Policy Wisconsin requires date labels on eggs (either a quality-based date or a safety-based date) and on shellfish. ⁵⁵ There is no differentiation between quality-based and safety-based dates, and no clear permission to donate after the quality-based date.	<ul style="list-style-type: none"> ■ Establish guidelines expressly allowing the donation or the freezing of food after a quality-based date, and educate businesses about donation. ■ Remove prohibition on offering eggs 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 Wisconsin provides liability protection for donors and distributors of food offered for free but does not explicitly include a presumption of good faith. ⁵⁶ Liability protections do not explicitly cover those whose donations are sold to a final consumer for a small fee, nor do they cover donations directly to needy individuals. Also, liability protections are not specifically permitted when donors provide food products past a quality-based date.	<ul style="list-style-type: none"> ■ Provide liability protection beyond that offered at the federal level by the Bill Emerson Good Samaritan Food Donation Act, including: <ul style="list-style-type: none"> <input type="checkbox"/> Liability protection for donations sold at a low price by distributing nonprofits. <input type="checkbox"/> Liability protection for certain direct donations made by food businesses directly to those in need. <input type="checkbox"/> Explicit liability protection when donors provide food products past a quality-based date.
Tax Incentives for Food Rescue	No Policy Wisconsin provides no additional tax deductions or credits for the donation of food beyond those offered by the federal government.	<ul style="list-style-type: none"> ■ Offer tax incentives to offset the costs of food donation, including the cost of transporting donated food. ■ Offer a tax credit for donation by farmers.

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Organics Processing Infrastructure Permitting	<p>Moderate Policy</p> <p>Wisconsin has a separate permitting tier for source-separated organics at facilities processing more than 50 cubic yards per year, and stricter regulations according to facility size.⁵⁷ It has exemptions for small operations composting less than 50 cubic yards per year and has simplified permitting for yard waste facilities to accept food scraps. Wisconsin solid waste regulations do not reference anaerobic digestion.</p>	<ul style="list-style-type: none"> ■ Reduce barriers to entry for composting source-separated food waste through simplified permitting for the addition of food scraps at existing yard trimmings composting facilities, and provide an exemption from permitting for small-scale and/or community composting operations. Such a permitting process should be in sync with best management practices for composting source-separated food waste. ■ 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 (e.g., mandatory consideration of a bid for use of compost).
Food Safety Policies for Share Tables	<p>Strong Policy</p> <p>Wisconsin has created guidelines for rescue of surplus food in schools, which include food safety requirements for share tables in school cafeterias.⁵⁸ Wisconsin encourages the use of both share tables and “no thank you tables.”⁵⁹ “No thank you tables” differ from share tables in that other students may not pick up unconsumed items from this table during the meal period. Instead, designated food handlers or trained supervising adults must inspect the items for wholesomeness and document items that are left over.</p>	<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	<p>Weak Policy</p> <p>Wisconsin’s Department of Health Services (DHS) released a set of goals for the state’s food system, but it does not consider food loss and waste.⁶⁰</p>	<ul style="list-style-type: none"> ■ Review the existing DHS food system goals and determine if it is appropriate to develop a more comprehensive statewide food systems plan, with clear goals and targets to build a local, sustainable food system and support local farmers. The existing goals or a more comprehensive plan should include considerations for food waste reduction. ■ Regional plans provide the opportunity to set goals and targets for supporting food systems and promoting food waste reduction strategies.
Plans Targeting Solid Waste	<p>Strong Policy</p> <p>Wisconsin identifies waste diversion goals and recommendations for diversion in the Solid Waste Reduction, Recovery and Recycling Plan.⁶¹ The plan outlines a materials management hierarchy that promotes reduction, reuse, recycling, composting, and energy recovery from solid waste before land disposal and incineration without energy recovery.</p>	<ul style="list-style-type: none"> ■ Continue to maintain the existing plan and encourage local participation in the process. ■ Local solid waste management plans can be modified to incorporate a stronger focus on food waste reduction, including by establishing a timeline for achieving diversion goals.
Climate Action Goals	<p>Weak Policy</p> <p>There is no legislative framework for climate action goals. In 2019, Governor Tony Evers entered Wisconsin into the U.S. Climate Alliance and committed the state to pursuing greenhouse gas emissions reductions.⁶² He signed an Executive Order establishing a goal of 100 percent carbon-free electricity by 2050.⁶³ However, neither of these actions specifically address food waste reduction strategies.</p>	<ul style="list-style-type: none"> ■ Pass legislation and/or issue executive orders to establish climate action goals. ■ Task specific departments with actionable next steps for advancing emissions reductions in the context of reducing food waste. ■ Create specific recommendations for reducing food waste through climate action planning, and assign to specific departments actionable next steps for moving policy forward. ■ Local climate action goals and plans can be passed to draw the connection between emissions reductions and reducing food waste and to further local efforts.

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Grants and Incentive Programs Related to Food Waste Reduction	<p>Weak Policy</p> <p>Wisconsin funds two grant opportunities for recycling and yard waste handling.⁶⁴ However, there are no grants or other funding opportunities or incentive programs that currently support food waste diversion efforts.</p>	<ul style="list-style-type: none"> ■ Establish specific grants, incentives, and funding for food loss and waste prevention and for promotion of food rescue. ■ Build on existing incentive programs to support food waste reduction (including management) activity. ■ Establish a free technical assistance program to help businesses divert organics from the waste stream. Local technical assistance programs can also support these efforts. ■ As a near-term, incremental option, consider implementing an incentive program to encourage 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.

Wisconsin Wasted Food Policy Inventory

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

Wisconsin has an organics waste ban for yard waste.⁶⁵ It does not have any other legislation regarding organics disposal bans or waste recycling laws that pertain to food waste.

DATE LABELING

The only food items in Wisconsin that require date labeling are eggs and shellfish. Date labeling on eggs may be confusing for consumers since a variety of different terms may be used, as noted in the table below. Moreover, packages of eggs must show two dates: a packing date and a use-by or expiration/sell-by date. Eggs may not be sold after the expiration or sell-by date. Wisconsin has not established regulations for donating food after the label date.

Citation	Summary & Key Elements	Source
Wis. Admin. Code ATCP § 88-34 (2015)	<p>Title: Egg Labeling</p> <p>Summary: A package of eggs must include both the date on which the eggs were packed and either (a) an expiration or sell-by date, labeled with “sell by” or “EXP,” or (b) a use-by date, labeled with “use by,” “best if used by,” or “use before.”</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Eggs may not be sold past the expiration or sell-by date. ■ The period from a packing date to an expiration date may not exceed 30 days, including the packing date. ■ The period from a packing date to a “use by” date may not exceed 45 days, including the packing date. 	<p>https://docs.legis.wisconsin.gov/code/admin_code/atcp/055/88/v/34</p>
Wis. Admin. Code ATCP § 75, App. § 3-202.17 (2020)	<p>Title: Shucked Shellfish, Packaging and Identification</p> <p>Summary: Raw shucked shellfish in packages of less than one-half gallon must have a sell-by or “best if used by” date; anything larger must show the date shucked.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ A package of raw shucked shellfish that does not bear a label or does not show all necessary information can be subject to a hold order or to seizure and destruction. 	<p>https://docs.legis.wisconsin.gov/code/admin_code/atcp/055/75_</p> <p>PDF version with more details: https://docs.legis.wisconsin.gov/code/admin_code/atcp/055/75_.pdf</p>

FOOD DONATION LIABILITY PROTECTIONS AND TAX INCENTIVES FOR FOOD RESCUE

Wisconsin provides state civil liability protection for donors and distributors of donated foods. It does not offer state tax incentives for food rescue.

Citation	Summary & Key Elements	Source
<p>Wis. Stat. § 895.51 (2021)</p>	<p>Title: Civil Liability Exemption: Food or Emergency Household Products; Emergency Medical Supplies; Donation, Sale, or Distribution</p> <p>Summary: Donors and distributors of food donations are immune from civil liability for the death or injury of a person who consumed the donated food, unless the injury or death was caused by willful or wanton acts or omissions.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Any person engaged in the processing, distribution, or sale of food products, for profit or not for profit, who donates or sells (at a price not to exceed overhead and transportation costs) qualified food to a charitable organization, food distribution service, or governmental unit is immune from civil liability for the death of or injury to an individual caused by the qualified food donated or sold by the person. ■ A <i>charitable food organization</i> is an organization the contributions to which are deductible by corporations in computing net income under section 71.26(2).⁶⁶ A food distribution service is a program of a private nonprofit organization that provides food products directly to individuals with low incomes or that collects food products for and distributes food products to persons who provide the food products directly to individuals with low incomes. ■ Any charitable organization or food distribution service that distributes free of charge qualified food to any person is immune from civil liability for the death of or injury to an individual caused by the qualified food distributed by the charitable organization or food distribution service. ■ This protection does not apply if the death or injury was caused by willful or wanton acts or omissions. ■ <i>Qualified</i> food is defined as food products that meet the standards of quality established by state law or rule or federal law or regulations, including food products that are not readily marketable due to appearance, age, freshness, grade, size, surplusage, or other condition. 	<p>https://docs.legis.wisconsin.gov/statutes/statutes/895/ii/51</p>

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

The Wisconsin Department of Natural Resources (DNR) regulates organics processing infrastructure in the state. Regulations for composting and dry fermentation anaerobic digestion are contained within Wis. Admin. Code. NR § 502 of the state’s solid waste management rule. Wis. Admin. Code. NR § 502-12 regulates composting of source-separated materials, including yard trimmings and food scraps. The DNR exempts facilities from having to obtain a compost license if they process no more than 50 cubic yards (cy) of yard materials or food scraps at one time. All source-separated composting facilities handling materials that meet the definition of source-separated compostable materials (SSCM) and that are processing more than 50 cy of material at one time are regulated under Wis. Admin. Code. NR § 502-12 without any exemptions. Facilities of any size engaged in composting materials that are not regulated by the Wisconsin DNR wastewater division but that do not meet the definition of SSCM or one of the other Wis. Admin. Code. NR § 502-12 exemptions (primarily non-farm animal composting) are regulated under Wis. Admin. Code. NR § 502-08, Solid Waste Processing Facility. Dry anaerobic digesters (i.e., not low-solids wet digesters) are regulated as a solid waste processing facility under Wis. Admin. Code. NR § 502-08. Wisconsin is home to one of the nation’s first dry fermentation digesters, located on the campus of the University of Wisconsin, Oshkosh. Codigestion of source-separated food scraps with wastewater is regulated by the DNR’s wastewater division.

Swine may not be fed garbage except by individuals using garbage from their own household to feed their own swine. States such as Michigan use a narrower definition of *garbage* in reference to feeding swine, which enables broader food waste reduction efforts.

Citation	Summary & Key Elements	Source
<p>Wis. Admin. Code NR § 502-12 (2020)</p>	<p>Title: Yard, Farm, Food Residuals and Source-Separated Compostable Material Composting Facilities</p> <p>Summary: Wisconsin's DNR requires a compost license for facilities that process source-separated yard materials or food scraps if more than 50 cy of material is on site at any time, with some exceptions for on-farm composting. Facilities composting yard materials may process up to 20,000 cy with reduced regulatory requirements. Food scraps are categorized as a source-separated material; sites that manage 5,000 cy or less of source-separated compostable material on site at one time may operate under reduced regulatory requirements.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ <i>Source-separated compostable materials</i> are defined as food scraps; yard, garden, and greenhouse trimmings; farm and non-farm crop residues; aquatic plants; fruit, vegetable, and grain processing residues (e.g., from canning or brewing); fish harvesting and processing leftovers; farm and other manure from plant-eating animals; clean chipped wood; clean sawdust; nonrecyclable compostable paper; and other, similar materials approved in writing by the DNR. ■ <i>Food residuals</i> are unconsumed raw or cooked compostable material that results from handling, preparation, cooking, sale, or consumption of food. They include whole, ground, and pulped food scraps, as well as compostable food packaging, utensils, tableware, kitchenware, and food containers that meet either the ASTM D6400 or D6868 standard. Food residuals include vegetable and non-vegetable food residuals but do not include rendering or slaughterhouse wastes or animal carcasses. ■ Reduced regulatory requirements for food scraps composting at sites with more than 50 cy to 5,000 cy at one time include exemptions from certain closure, environmental review, and monitoring requirements. These sites must have an initial site inspection and a written plan of operation approval from the DNR. ■ Raw materials accepted for composting must be source separated at the point of generation so that they have not been mixed or otherwise contaminated with non-approved waste types, particularly materials that are not readily compostable. Prior to incorporation into the composting process, the raw materials must be sorted as needed to ensure that items not readily compostable are removed (unless alternate methods are used in conjunction with equipment to produce a compost product virtually free of physical and chemical contaminants). ■ Compost product that contains physical or chemical contaminants such as plastic, glass, metal scraps, or regulated concentrations of heavy metals or organic compounds may require controlled disposal under an approved land-spreading plan or at a landfill. ■ Grass clippings and food residuals from canned, frozen, or preserved fruit or vegetable processing operations must be incorporated into windrows or another composting process within 72 hours of receipt at the facility, unless odor becomes a problem at the facility, in which case these materials must be incorporated within 24 hours. 	<p>https://docs.legis.wisconsin.gov/code/admin_code/nr/500/502/12</p> <p>Guide to Regulations: https://dnr.wisconsin.gov/topic/Recycling/regs.html</p>

Citation	Summary & Key Elements	Source
<p>Wis. Admin. Code NR § 502-12 (2020) <i>Continued</i></p>	<ul style="list-style-type: none"> ■ Fish harvesting and processing residuals, manure, and food residuals that are not from canned, frozen, or preserved fruit or vegetable processing operations must be incorporated into windrows or another composting process on the same operating day as received at the facility. Upon initial incorporation of these residuals, composting windrows or piles must be covered with a minimum 6-inch layer of compost, high-carbon material such as wood chips, or other suitable material to control odor and vectors. ■ Minimum design standards require that composting take place on an area “sloped sufficiently” to prevent ponding; measures including berms or ditches can be used to prevent stormwater run-on. ■ Composting sites processing more than 5,000 cy of food scraps and more than 20,000 cy of yard waste have strict stormwater requirements. Food waste compost sites processing no more than 50 cy must have a stormwater pollution prevention plan, but that is handled through the solid waste approval process and a separate stormwater permit is not needed. Sites that have specific concerns, are part of industrial operations that are required to have a stormwater permit, or are in a municipality that requires a permit do need to incorporate their composting operation into that permit through the DNR’s stormwater program.⁶⁷ ■ All runoff that contacts materials being composted or raw materials staged for composting must be managed as leachate and be directed to either a collection basin or a tank. Leachate may be used in the composting operation for moisture addition. All other leachate must be treated at an on-site or off-site wastewater treatment facility permitted to accept it. Leachate collection capacity must be designed for a 25-year, 24-hour storm event. ■ Finished compost may be designated and distributed as Class A compost if it meets all of the following requirements:⁶⁸ <ul style="list-style-type: none"> □ It is composed entirely of materials meeting the definition of source-separated compostable materials. □ It is produced by approved processes to reduce pathogens, with temperature and retention time monitored and recorded each day until the temperature and retention time criteria are met. □ It has been tested in accordance with requirements of this section. □ It does not exceed any of the limits specified in this section. 	<p>https://docs.legis.wisconsin.gov/code/admin_code/nr/500/502/12</p> <p>Guide to Regulations: https://dnr.wisconsin.gov/topic/Recycling/regs.html</p>
<p>Wis. Admin. Code NR § 502-08 (2020)</p>	<p>Title: Solid Waste Processing Facilities</p> <p>Summary: A facility composting materials other than yard materials and source-separated compostable materials is regulated as a processing facility under Wis. Admin. Code NR § 502-08 (2020). It must have a plan of operation approval and an operating license from the WI DNR Solid Waste Management department. Dry anaerobic digestion facilities also are regulated under this section.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ <i>Processing facility</i> is a facility at which solid waste is baled, shredded, pulverized, composted, classified, separated, combusted, or otherwise treated or altered by some means to facilitate further transfer, processing, utilization, or disposal. ■ What falls within this category is determined by feedstocks, not by facility size or quantity of feedstock. If an anaerobic digestion facility is exempt from needing a wastewater permit (e.g., a dry digester), then it is permitted under Wis. Admin. Code. NR § 502-08. ■ A facility composting a mixture including any industrial solid waste, such as paper mill sludge, along with yard materials or food scraps is regulated either as a solid waste processing facility under the DNR’s Waste and Materials Management Program or under a wastewater discharge permit issued by the agency’s Watershed Program. ■ Each facility must get DNR approval of a plan describing how the facility will be designed, constructed, operated, and monitored. The facility also needs a solid waste processing license. 	<p>https://docs.legis.wisconsin.gov/code/admin_code/nr/500/502/08</p>

Citation	Summary & Key Elements	Source
Wis. Stat. § 95.10 (2021)	<p>Title: Feeding Garbage to Swine</p> <p>Summary: Feeding garbage to swine is not permitted except by individuals feeding their own swine garbage from their own household.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ It is unlawful for any person to feed public or commercial garbage to swine or place garbage on any premises where swine are kept. ■ No swine that have eaten such garbage can be sold or removed from the premises. ■ Public or commercial garbage includes putrescible animal or vegetable waste resulting from the handling, preparation, processing, cooking, or consumption of food. 	https://docs.legis.wisconsin.gov/statutes/statutes/95/10

FOOD SAFETY POLICIES FOR SHARE TABLES

Wisconsin's Department of Public Instruction encourages the use of share tables and “no thank you tables” and provides substantial guidance on how to establish such programs in schools. Templates for establishing standard operating procedures for share tables, no thank you tables, and food donation are available on the School Nutrition Team's food safety web page.⁶⁹

Citation	Summary & Key Elements	Source
Sharing and No Thank You Table Toolkit, November 2019	<p>Title: Sharing and No Thank You Table Toolkit</p> <p>Summary: Wisconsin's Department of Public Instruction's School Nutrition Team developed a toolkit to assist schools participating in the School Nutrition Programs in safely establishing share tables and no thank you tables and reducing food waste.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Encourages many methods of food waste reduction, including share and no thank you tables. ■ Allows only unopened, pre-packaged items and whole fruits or vegetables. Refrigerated foods or foods requiring time/temperature control for safety (TCS) must be collected into temperature control during meal service and can be taken by students during the meal period but may not be re-served, regardless of its temperature at the end of the meal service. ■ Describes how food items can be redistributed, composted, or donated. ■ Leaves food safety decisions to the discretion of the sanitarian and/or local regulatory authority. For those schools that allow share or no thank you tables, the food safety plan for the school must include a corresponding standard operating procedure. 	https://dpi.wi.gov/sites/default/files/imce/school-nutrition/sharing-no-thank-you-toolkit.docx
Guidance for Donating Food to Eligible Local Food Banks or Charitable Organizations, May 2019	<p>Title: Guidance for Donating Food to Eligible Local Food Banks or Charitable Organizations</p> <p>Summary: The Department of Public Instruction's School Nutrition Team developed a checklist for school food authorities participating in the National School Lunch, School Breakfast, and/or Afterschool Snack Programs to follow when donating excess food.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Encourages the reduction of food waste through increased education and collection of data on student food choices. ■ Upon request, offers written guidance to entities that may be interested in receiving donations. ■ Requires a written plan to describe storage and/or transport of donated foods to maximize food quality and ensure its safety. ■ Requires that the sanitarian and/or local regulatory authority ensure that donation procedures are compliant with the Wisconsin Food Code. 	https://dpi.wi.gov/sites/default/files/imce/school-nutrition/guidance-for-donating-food.docx

Citation	Summary & Key Elements	Source
Letter: Reducing Food Waste in the National School Lunch and School Breakfast Programs, October 11, 2016	<p>Title: Reducing Food Waste in the National School Lunch and School Breakfast Programs</p> <p>Summary: This letter, from the director of the Wisconsin Department of Public Instruction's School Nutrition Team to the authorized representatives and food service directors of school food authorities participating in the USDA Child Nutrition Programs, describes steps schools can take to reduce food waste.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Encourages marketing and the use of social media to raise awareness of and excitement around food reduction programs. ■ Encourages schools to adapt "Smarter Lunchrooms" to guide students to make healthier decisions and waste less food. ■ Recommends that schools undertake a plate waste study. ■ Encourages schools to implement sharing tables. 	https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/snt-mail-101116.pdf

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

The cities of Madison and Milwaukee have committed to a regional food systems planning process.⁷⁰ Statewide, the Wisconsin Department of Health Services created a food system plan as part of its Nutrition, Physical Activity, and Obesity Program. Winnebago County has also studied its regional food system.⁷¹

Citation	Summary & Key Elements	Source
Wisconsin Department of Health Services, Wisconsin Nutrition, Physical Activity, and Obesity State Plan: 2013–2020	<p>Title: Goal 6: Food System</p> <p>Summary: Wisconsin's Department of Health Services created a set of goals for the state's food system to support healthy eating. It does not consider food waste.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Develops four strategies to support the state's food system and the department's goal of improving public health by increasing access to healthy food: <ul style="list-style-type: none"> □ Increase access to and affordability of fruits and vegetables; □ Increase access to and promotion of healthy foods in restaurants, food stores, and vending machines; □ Promote access to and consumption of healthy beverages; and □ Increase access to education and programs that support breastfeeding initiation and duration. 	https://www.dhs.wisconsin.gov/publications/p0/p00507-6food.pdf

PLANS TARGETING SOLID WASTE

Wisconsin’s DNR maintains a document that provides an overview of the Wisconsin Waste Reduction and Recycling Law.⁷² While this law defines the term *solid waste management plan*, there is no reference therein requiring the development of state or local plans.

Citation	Summary & Key Elements	Source
Wis. Stat. § 287 (2021)	<p>Title: Solid Waste Reduction, Recovery and Recycling</p> <p>Summary: This promotes development of a framework for the state to follow for materials management, encouraging reduction, reuse, and recycling.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Establishes policies for “reduction of the amount of solid waste generated, the reuse, recycling, and composting of solid waste and resource recovery from solid waste.” ■ Outlines a materials management hierarchy that promotes reduction, reuse, recycling, composting, and energy recovery from solid waste before land disposal and incineration without energy recovery. ■ Encourages the DNR to provide technical and financial assistance as well as education and outreach to support residents in following the hierarchy. ■ Creates an infrastructure by which “responsible units” (RUs) are tasked with implementing municipal recycling programs. RUs may be a municipality, county, tribe, solid waste management system, or other unit of local government. ■ Requires RUs to provide an annual recycling report to the DNR. ■ Outlines a mechanism by which RUs that maintain an “effective recycling program” can be eligible for grant funding. 	<p>https://docs.legis.wisconsin.gov/statutes/statutes/287/_23?up=1</p>

CLIMATE ACTION GOALS

In February 2019, Wisconsin’s Governor Evers announced plans for the state to join the U.S. Climate Alliance, committing the state to reduce greenhouse gas emissions by 26–28 percent below 2005 levels by 2025.⁷³ Since this announcement, the governor has issued two executive orders establishing green energy goals, an Office of Energy and Sustainability, and a Governor’s Task Force on Climate Change. In 2020 the task force issued a report outlining policy recommendations to address climate change in the state, including suggestions for food waste diversion.

Citation	Summary & Key Elements	Source
Governor’s Task Force on Climate Change Report (December 2020)	<p>Title: Governor’s Task Force on Climate Change Report</p> <p>Summary: This report outlines policy solutions that the state can pursue to lead in addressing climate change.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Policy recommendations include: <ul style="list-style-type: none"> □ Leading by example in reducing greenhouse gas emissions reductions within the state’s asset portfolio by pursuing activities like responsible waste management. □ Creating local control for waste management and eliminating policies that remove the authority of local agencies to ban plastic bags and regulate single-use products. □ Developing a food waste program. This strategy encourages the implementation of a pilot program that focuses on prevention, recovery, and composting. ■ Identifies the opportunity to build synergies between agricultural practices and materials management, such as composting systems that both mitigate emissions and improve soil health. 	<p>https://climatechange.wi.gov/Documents/Final%20Report/USCA-WisconsinTaskForceonClimateChange_20201207-HighRes.pdf</p>

Citation	Summary & Key Elements	Source
Executive Order #38 (August 16, 2019)	<p>Title: Relating to Clean Energy in Wisconsin</p> <p>Summary: This order created the Office of Sustainability and Clean Energy, tasked with achieving the goal of 100 percent carbon-free electricity by 2050, decreasing emissions as outlined in the Paris Agreement, creating a clean energy plan, promoting clean energy workforce training, supporting clean energy innovation, and developing efficiency standards for state buildings.</p> <p>Key Elements: While the executive order is technology agnostic, it provides an opening for promoting anaerobic digestion of organic waste as a renewable energy solution.</p>	https://evers.wi.gov/Documents/EO%20038%20Clean%20Energy.pdf
Executive Order #52 (October 17, 2009)	<p>Title: Relating to the Creation of the Governor’s Task Force on Climate Change</p> <p>Summary: This order created the Governor’s Task Force on Climate Change, tasked with creating policy recommendations to address and mitigate the impacts of climate change.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Encouraged the incorporation of climate adaptation strategies into existing planning. ■ Resulted in the task force’s release of the Climate Change Report, listed above, in December 2020. 	https://climatechange.wi.gov/Documents/2019-52.pdf

GRANTS AND INCENTIVE PROGRAMS RELATED TO ADVANCING FOOD WASTE REDUCTION

The Wisconsin DNR maintains a list of available grant opportunities and currently provides two grants to RUs focused on recycling and yard waste handling.⁷⁴ The Department of Agriculture, Trade and Consumer Protection developed a page outlining grants and funding opportunities; however, none currently support food waste diversion efforts.⁷⁵

Citation	Summary & Key Elements	Source
Basic Recycling Grant, Wisconsin Department of Natural Resources	<p>Title: Basic Recycling Grant to Responsible Units</p> <p>Summary: This grant program supports RUs with funds covering reasonable and necessary costs for planning and operating an effective recycling program.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Lists grant-eligible recyclables including grass clippings, debris and brush under 6 inches in diameter, and leaves. The list does not expressly include food waste. ■ Provides funding for education and outreach, collection and transportation of materials, staff salary, contractual services, utility services, and rents or leases. ■ Typically receives applications from July through October, with a decline in funding awarded based on the date submitted. 	https://dnr.wisconsin.gov/aid/Recycling.html
Recycling Consolidation Grant, Wisconsin Department of Natural Resources	<p>Title: Recycling Consolidation Grant to Responsible Units</p> <p>Summary: This grant provides supplemental assistance to eligible RUs to promote collaboration between units.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Typically receives applications from July through October, with a decline in funding awarded based on the date submitted. ■ Provides funding for residential and two- to four-unit household recycling and yard waste program costs, including education and outreach, collection and transportation of materials, staff salary, contractual services, utility services, and rents or leases. 	https://dnr.wisconsin.gov/aid/Consolidation.html

Food Waste Reduction Policy Gap Analysis 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									
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.	<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. 	Share tables are allowed, and the state provides share table guidance, though that guidance is limited.	<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. 	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>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>.
- 2 415 ILL. COMP. STAT. 15 (1989).
- 3 ILL. ADMIN. CODE tit. 8 § 65.30 (2019).
- 4 745 ILL. COMP. STAT. 50 (1981).
- 5 ILL. ADMIN. CODE tit. 35 § 830.105 (1994).
- 6 U.S. Department of Agriculture, “The Use of Share Tables in Child Nutrition Programs,” June 2016, https://fns-prod.azureedge.net/sites/default/files/cn/SP41_CACFP13_SFSP15_2016os.pdf.
- 7 Illinois Agri-Food Alliance, *FARM Illinois: A Food and Agriculture Roadmap for Illinois*, May 2015, https://ilagrifood.org/wp-content/uploads/2015/06/FARM-IL-Report-2015_FULL_vF3.pdf.
- 8 415 Ill. Comp. Stat. 15 (2014).
- 9 Illinois Public Act 99-0906, <https://www.ilga.gov/legislation/99/SB/PDF/09900SB2814lv.pdf>.
- 10 State of Illinois Executive Department, “Executive Order Joining the US Climate Alliance and Committing to the Principles of the Paris Climate Agreement.,” Executive Order 2019-06, January 23, 2019, https://www2.illinois.gov/Documents/ExecOrders/2019/19626-Executive_Order_2019-06.pdf.
- 11 415 ILL. COMP. STAT. 15, *supra* note 2.
- 12 Illinois Food Scrap Coalition, “Compost Related Legislation in Illinois,” 2019, <https://illinoiscomposts.org/il-legislation/>.
- 13 415 ILL. COMP. STAT. 5 (1970).
- 14 ILL. ADMIN. CODE tit. 35, § 830, App. B (2021).
- 15 ILL. ADMIN. CODE tit. 35, § 807.104 (1985).
- 16 Illinois Environmental Protection Agency (hereinafter IL EPA), “Materials Management Advisory Committee,” <https://www2.illinois.gov/epa/topics/waste-management/materials-management/Pages/Materials-Management-Advisory-Committee.aspx> (accessed Mar. 20, 2021).
- 17 *Ibid.*
- 18 State of Illinois Executive Department, “Executive Order Transferring Certain Functions From the Department of Commerce and Economic Opportunity to the Department of Natural Resources and the Environmental Protection Agency,” Executive Order 2017-03, March 31, 2017, <https://www2.illinois.gov/Documents/ExecOrders/2017/ExecutiveOrder2017-3.pdf>.
- 19 Materials Management Advisory Committee, Market Development Subcommittee, “Meeting Notice,” [https://www2.illinois.gov/epa/topics/waste-management/materials-management/Documents/MMAC%20Market%20Development%20Subcommittee%20Meeting%20Notice.Agenda.Minutes%20\(02.09.2021\).pdf#search=Solid%20Waste%20Management%20Fund%20grants](https://www2.illinois.gov/epa/topics/waste-management/materials-management/Documents/MMAC%20Market%20Development%20Subcommittee%20Meeting%20Notice.Agenda.Minutes%20(02.09.2021).pdf#search=Solid%20Waste%20Management%20Fund%20grants) (accessed Mar. 20, 2021). IL EPA, “Materials Management Advisory Committee.”
- 20 MICH. COMP. LAWS § 288.539 (2001); MICH. COMP. LAWS §289.8107 (2000).
- 21 MICH. COMP. LAWS § 691.1572 (1993).
- 22 MICH. COMP. LAWS § 324.11521 (1994).
- 23 Michigan Department of Education, “Food Service,” Administrative Memo No. 7, March 2020, https://www.michigan.gov/documents/mde/Admin_Memo_No_7_682598_7.pdf.
- 24 K. Colasanti et al., *Michigan Good Food Charter*, Michigan Food Policy Council, C. S. Mott Group for Sustainable Food Systems at MSU, and the Food Bank Council of Michigan, June 2010, <https://www.canr.msu.edu/michiganfood/uploads/files/charter.pdf>.
- 25 Terri Barker, “Michigan Agricultural Surplus System (MASS)” and “Michigan Farm to Food Bank,” Food Bank Council of Michigan, https://www.house.mi.gov/hfa/PDF/HumanServices/DHS_2-19-14Mtg_Testimony_MASS.pdf (accessed Mar. 15, 2021). MASS uses state and federal grant funds to purchase second grade produce from producers. Terri Barker, Food Programs Manager of the Food Bank Council of Michigan worked with the Michigan Department of Agriculture on MASS and provided this documentation as information on the program.
- 26 Michigan Department of Environmental Quality (hereinafter Michigan DEQ), *Michigan Solid Waste Policy 2017*, 2017, https://www.michigan.gov/documents/deq/deq-wmrdp-SolidWastePolicy_FINAL_SWSAP_GRC_608848_7.pdf.
- 27 MDEQ, *Michigan Solid Waste and Sustainability Advisory Panel Report 2017*, 2017, https://www.michigan.gov/documents/deq/deq-wmrdp-SWSAP_Report_FINAL_555407_7.pdf.
- 28 Office of Governor Gretchen Whitmer, “Responding to Climate Change,” Executive Directive 2019-12, February 2019, https://www.michigan.gov/whitmer/0,9309,7-387-90499_90704-488740--,00.html. Office of Governor Gretchen Whitmer, “Building a Carbon-Neutral Michigan,” Executive Directive 2020-10, September 2020, https://www.michigan.gov/whitmer/0,9309,7-387-90499_90704-540278--,00.html.
- 29 Michigan Department of Environment, Great Lakes, and Energy (hereinafter MI EGLE), “Request for Proposals: 2021 Recycling Grant Program,” https://www.michigan.gov/documents/egle/MMD-Sustainability-FY2021_Recycling_Grant_RFP_722389_7.pdf (accessed Mar. 15, 2021).
- 30 MICH. COMP. LAWS § 324.11421 (1994).
- 31 Upper Peninsula Food Exchange (hereinafter UPFE), “U.P. Food Exchange Newsletter,” <https://upfoodexchange.com/> (accessed Mar. 15, 2021).
- 32 UPFE Policy Committee, “Sample Master Plan Language for Community Food Systems,” <http://upfoodexchange.com/wp-content/uploads/2014/11/UPFE-GeneralizeSampleMasterPlanLanguage.doc> (accessed Mar. 15, 2021). UPFE, “Community Food Systems: A Resource Guide,” updated July 2019, <https://upfoodexchange.com/wp-content/uploads/2014/11/Community-Food-Systems-DIGITAL.pdf>.
- 33 Marquette County Planning Commission, *Local Food Supply: A Chapter of the Marquette County Comprehensive Plan*, September 2013, https://www.co.marquette.mi.us/departments/planning/docs/LFS_Plan_Adopted.pdf.
- 34 THE BIGGER PICTURE: EAST LANSING MASTER PLAN, CITY OF LANSING PLAN. COMM’N (Jun. 2018), <https://www.cityofeastlansing.com/DocumentCenter/View/7403/Final-Master-Plan-2018-PDF>.
- 35 East Michigan Council of Governments, “Regional Food Systems,” http://www.emcog.org/emcog_food.asp (accessed Mar. 15, 2021).
- 36 Michigan State University, Food Bank Council of Michigan, and Michigan Food Policy Council, “Michigan Good Food Charter: Summary,” 2018, <https://www.canr.msu.edu/michiganfood/uploads/files/mgfc%202018.pdf>.

- 37 Michigan State University, Food Bank Council of Michigan, and Michigan Food Policy Council, “The Michigan Good Food Charter: A Summary,” 2014, https://www.canr.msu.edu/michiganfood/uploads/files/2014_charter_summary.pdf. Michigan State University, Food Bank Council of Michigan, and Michigan Food Policy Council, “Michigan Good Food: Charter Executive Summary,” 2010, https://www.canr.msu.edu/michiganfood/uploads/files/2010_executive_summary.pdf.
- 38 Michigan State University Center for Regional Food Systems, “Summit: Moving Forward With Equity and Resilience,” <https://www.canr.msu.edu/michiganfood/summit/> (accessed Mar. 14, 2021).
- 39 Michigan DEQ, Residential Recycling Initiative, “Guide: Operational and Funding Options for Municipal Recycling Programs,” May 2015, https://www.michigan.gov/documents/deq/Residential_Recycling_-_Funding_Mechanisms-web_489181_7.pdf.
- 40 Department of Agriculture & Rural Development, “Grants & Funding Opportunities,” https://www.michigan.gov/mdard/0,4610,7-125-1570_51684---,00.html
- 41 Ohio Environmental Protection Agency (hereinafter Ohio EPA), “Ohio Food Scraps Recovery Initiative,” https://epa.ohio.gov/dmwm/Home/food_scrap (accessed Mar. 24, 2021).
- 42 OHIO ADMIN. CODE 910:3-8-03 (2020).
- 43 OHIO REV. CODE § 2305.37 (2009).
- 44 Ohio Department of Agriculture and Department of Health, “Guidance for Food Share Tables,” updated June 2017, https://www.foodrescue.net/uploads/4/3/2/6/43260919/ohio_department_of_health_and_department_of_agriculture_share_table_guidance_1.pdf.
- 45 Ohio Ecological Food and Farm Association, *Opportunity in a Time of Crisis: Recommendations for Building a More Resilient Ohio Food System*, June 2020, <https://action.oeffa.com/wp-content/uploads/2020/06/Opportunity-in-Crisis-Report-Final-LR2.pdf>.
- 46 Ohio EPA, Division of Materials and Waste Management, *2020 State Solid Waste Management Plan*, October 2019, https://epa.ohio.gov/Portals/34/document/general/state_plan_.pdf.
- 47 OHIO ADMIN. CODE 3745-560 (2018).
- 48 Ohio EPA, Division of Materials and Waste Management, *2020 State Solid Waste Management Plan*, October 2019, https://epa.ohio.gov/Portals/34/document/general/state_plan_.pdf.
- 49 Ohio EPA, “Ohio Food Scraps Recovery Initiative,” https://epa.ohio.gov/Portals/34/document/general/state_plan_.pdf.
- 50 OHIO EPA, DMWM POLY No. 1010, FINAL POLICY REGARDING REGULATION OF FACILITIES THAT USE THERMAL AND BIOLOGICAL CONVERSION TECHNOLOGIES TO CONVERT SOLID WASTE TO FUELS (2011).
- 51 State Climate Office of Ohio, “Ohio Climate Change Resources,” <https://climate.osu.edu/ohio-climate-change-resources> (accessed Mar. 24, 2021).
- 52 Sustainable Cleveland 2019, *Cleveland Climate Action Plan*, 2013, https://www.wearestillin.com/sites/default/files/sustainability-plan/Cleveland_Climate_Action_Plan.pdf. Cuyahoga County Sustainability Department, *Cuyahoga County Climate Change Action Plan*, May 2019, https://www.countyplanning.us/wp-content/uploads/2019/05/Final_CCCCAP-1.pdf.
- 53 Ohio EPA, “Funding Opportunities,” revised January 2019, <https://epa.ohio.gov/portals/0/general%20pdfs/funding.pdf>.
- 54 WIS. ADMIN. CODE NR § 502.12 (1988).
- 55 WIS. ADMIN. CODE ATCP § 88.34 (2015); WIS. ADMIN. CODE ATCP § 75, App. (2020).
- 56 WIS. ADMIN. CODE ATCP § 75 (2020).
- 57 WIS. ADMIN. CODE NR § 502.12, *supra* note 24.
- 58 Wisconsin Department of Public Instruction (hereinafter Wisconsin DPI), “Sharing and No Thank You Table Toolkit,” November 2019, <https://dpi.wi.gov/sites/default/files/imce/school-nutrition/sharing-no-thank-you-toolkit.docx>. Wisconsin DPI, “Guidance for Donating Food to Eligible Local Food Banks or Charitable Organizations,” May 2019, <https://dpi.wi.gov/sites/default/files/imce/school-nutrition/guidance-for-donating-food.docx>.
- 59 Wisconsin DPI, “Reducing Food Waste in the National School Lunch and School Breakfast Programs,” October 2016, <https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/snt-mail-101116.pdf>.
- 60 Wisconsin Department of Health Services, *Wisconsin Nutrition, Physical Activity, and Obesity State Plan*, “Goal 6: Food System,” June 2013, <https://www.dhs.wisconsin.gov/publications/p0/p00507-6food.pdf>.
- 61 WIS. STAT. § 287 (1989).
- 62 Wis. Exec. Order No. 38 (Aug. 16, 2019), <https://evers.wi.gov/Documents/EO%20038%20Clean%20Energy.pdf>; *See also* Official Website of Wisconsin Governor Tony Evers, “Gov. Evers Announces Plan to Join U.S. Climate Alliance,” press release, February 2019, <https://evers.wi.gov/Pages/Newsroom/Press-Releases/021219-Gov-Evers-Announces-Plan-to-Join-U-S--Climate-Alliance.aspx>.
- 63 *Id.*
- 64 Wisconsin Department of Natural Resources (hereinafter Wisconsin DNR), “Basic Recycling Grant to Responsible Units,” <https://dnr.wisconsin.gov/aid/Recycling.html> (accessed Mar. 18, 2021).
- 65 WIS. ADMIN. CODE NR § 502.12, *supra* note 24.
- 66 Wis. Stat. § 71.26(2) (1987).
- 67 WIS. ADMIN. CODE NR § 216.002(33) (2004).
- 68 Wisconsin DNR, “Requirements for Marketing Class A Compost,” Publication WA 1589, revised 2012, <https://dnr.wi.gov/files/PDF/pubs/wa/wa1589.pdf>.
- 69 Wisconsin DPI, “Wisconsin School Food Safety,” <https://dpi.wi.gov/school-nutrition/program-requirements/food-safety#waste> (accessed Mar. 18, 2021).
- 70 City of Madison, “City of Madison Announces New Healthy Community Food Systems Fund,” press release, December 2020, <https://www.cityofmadison.com/news/city-of-madison-announces-new-healthy-community-food-systems-fund>. City of Milwaukee Environmental Collaboration Office, “Food Systems,” https://itmdapps.milwaukee.gov/citygov/refreshmke/food_goals.html (accessed Mar. 18, 2021).
- 71 Winnebago County Planning and Zoning Department, *A Multi-Jurisdictional Comprehensive Plan for Winnebago County: 2016–2025*, volume 1, chapter 6, “Local Food System,” November 2016, https://www.co.winnebago.wi.us/sites/default/files/uploaded-files/06_-_local_food_system_draft_2_1.pdf.
- 72 Wisconsin DNR, “Wisconsin Waste Reduction and Recycling Law,” 2015, <https://dnr.wi.gov/files/pdf/pubs/wa/WA422.pdf>.
- 73 Official Website of Wisconsin Governor Tony Evers, “Gov. Evers Announces Plan.”
- 74 Wisconsin DNR, “Department Grant Programs,” <https://dnr.wisconsin.gov/aid/Grants.html> (accessed Mar. 18, 2021).
- 75 Wisconsin Department of Agriculture, Trade, and Consumer Protection, “Grants and Funding Opportunities,” https://datcp.wi.gov/Pages/Programs_Services/Grants.aspx (accessed Mar. 18, 2021).