



REPORT

SOUTHEAST FOOD WASTE POLICY GAP ANALYSIS AND INVENTORY



ACKNOWLEDGMENTS

This report was prepared for NRDC by the Center for EcoTechnology, in collaboration with the Harvard Law School Food Law and Policy Clinic and BioCycle Connect, LLC.

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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 Florida, Georgia, North Carolina, and Tennessee. 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 nonexistent. The inventories provide a more comprehensive overview of any policies, executive orders, goals, targets, or programs that exist across the ten covered categories. Users may choose to read the gap analysis to gain a basic understanding of their state’s policy landscape and then reference the inventory for detailed information.

Policy Gap Analysis Approach and Applications

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

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

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

Policy in Action

While there are no states in the Southeast 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 Law School 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 standard 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

Southeast states generally have not established a dual date labeling system for 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. Further, even where state date labeling regulations exist, they often are not based on science-backed food safety concerns. As a result, consumers or businesses often dispose of food when it reaches the label date, even though it may be safe to eat. Thus, date labels are an important part of any policy strategy to prevent food waste, and one that cities can encourage states to pursue. Until federal legislation or regulations standardizing date labels are adopted, states can remove problematic components of their own date labeling policies using guidelines recommended in this analysis, and even help pave the way for federal standardization.

FOOD DONATION LIABILITY PROTECTIONS

Restaurants, retailers, and other food businesses are often hesitant to donate food because they fear being held liable for harm caused by the donated food. While the federal Bill Emerson Good Samaritan Food Donation Act provides robust liability protection for both food donors and food rescue organizations, state liability protections can strengthen this and encourage food donation by further reducing liability risks for those participating in food rescue. A Strong Policy provides liability protection for donations directly to individuals, allowing restaurants and food service organizations to donate small amounts of food that may be cost-prohibitive to transport or store; it also offers protection for donations supplied to the final consumer for a small fee, thereby extending protection to innovative food rescue models like social supermarkets. A Moderate Policy is broader than federal-level protections and may provide protections for donations directly to individuals or donations made for a small fee. A Weak Policy provides protections that are no broader than federal-level ones, or only protects one party, such as the donor or food rescue organization.

Tools to Support Policy

Legal fact sheets or guidance documents can serve as a beneficial tool in communicating legal protections and considerations for potential donors. These documents can relay legal language using easily understood terms that help clarify requirements for protection to apply and alleviate concerns related to donation. The Harvard Law School Food Law and Policy Clinic has created many 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 Southeast have tax incentives for food rescue, and none of the states or jurisdictions reviewed in the Mid-Atlantic or Great Lakes regions have a Strong Policy designation in this category. However, Philadelphia provides an example of a policy enacted at the local level that helps to incentivize food donation. The city implemented a sustainable business tax incentive that allows businesses who meet certain sustainability criteria—including participating in food donation—to receive a tax credit of up to \$4,000 on the Business Income & Receipts Tax (BIRT). As another example, Maryland, a state with a Moderate Policy in this category, offers a tax credit only for food donation by qualifying farms and farm businesses. These businesses can claim up to 50 percent of the value of the donation for conventional products, and up to 75 percent of the value of certified organic produce donations to charitable organizations.

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

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

Georgia, North Carolina, and Tennessee have either exemptions or a permit-by-rule allowance for small-scale composting of food scraps. The Tennessee Department of Environmental Conservation (TDEC) adopted an exemption for sites composting no more than 100 cubic yards (cy) per year of food scraps or similar material using an in-vessel composting method, or no more than 50 cy per year using other methods (windrows, aerated static piles, etc.) when it promulgated its new rules in 2016. Georgia amended its composting rule in 2018 to establish a permit-by-rule tier for food scrap composting; it applies to community-scale operations that receive food scraps from off-site sources (e.g., nearby households and small businesses). In 2019 North Carolina clarified its criteria for determining small versus large composting facilities and expanded the types of operations that are exempt from permitting, primarily small-scale food waste composting. The new category allows up to 100 cy of material on site at any one time (not including finished compost). In correspondence, Robert Wadley, environmental specialist with TDEC’s Division of Solid Waste Management, Materials Management Program, noted: “I am happy with the size limitations we set. It has covered all community gardens and community composting facilities of which I am aware. It has also allowed small-scale composters to ‘get their feet wet’ before they scale up.”

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

State-level stakeholders in the Southeast have done little to promulgate awareness of federal policy around share tables or endorse their use in schools. Developing relevant guidance could reduce food waste and 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

In most of the Southeast states, cities have taken a leadership role in developing food systems plans in the absence of state-level documents. 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, including Tennessee, provide technical assistance—tailored one-on-one support to an entity to implement food waste reduction strategies—which can lay the groundwork for a future waste ban or recycling mandate. In the absence of such legislation, a robust technical assistance program can still achieve meaningful results at all levels of the hierarchy. Complementary education and promotional campaigns allow broad outreach to constituents and can be an effective tool for raising awareness and spurring individual action. Every state and city has the opportunity to promote, and support constituents in, reducing waste.

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

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

Florida Food Waste Policy Gap Analysis

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Organics Disposal Bans and Recycling Laws	No Policy No policy pertaining to food waste reduction. However, Fla. Stat. 403.706 requires counties to develop their own plans for the operation of solid waste disposal facilities, encouraging partnerships with the private sector for composting or mulching plans. ² State agencies also offer resources for composting and additional education for food waste reduction. ³	<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	Weak Policy Florida imposes date labeling requirements on milk and shellfish. ⁴ It does not clarify which labels are quality based but seems to restrict sales after the label date. There is no clear permission to donate after the date on the label.	<ul style="list-style-type: none"> ■ Establish guidelines expressly allowing the donation or the freezing of food after the quality-based date, and educate businesses about donation. ■ Remove prohibition on offering milk past the sell-by date. ■ Launch education campaigns and guidance documents that promote consumer awareness and education on the meaning of date labels. ■ Align any updates to date labeling policy with federal guidance.
Food Donation Liability Protections	Weak Policy Florida provides liability protection for donors and distributors of food offered for free and includes a presumption of good faith. ⁵ However, liability protections do not cover donations directly to needy individuals or donations that are eventually supplied for a small fee.	<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"> □ 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	No Policy Florida offers no tax deductions or credits for the donation of food.	<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	Moderate Policy Florida’s composting regulations refer to “vegetative waste,” meaning source-separated organics that are not yard waste. ⁶ The current rule has very detailed classifications for compost and how it may be used, though it contains exemptions for on-farm composting or off-farm composting and anaerobic digestion for later on-farm use. ⁷ A stand-alone anaerobic digestion facility would require an air quality permit and would not fall under this solid waste rule.	<ul style="list-style-type: none"> ■ Ensure 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, 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 and/or government agencies (e.g., mandatory consideration of a bid for use of compost).

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Food Safety Policies for Share Tables	Weak Policy Florida allows share tables but provides no state 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. ⁸	<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 rescue through share tables and other methods.
Food Systems Plans, Goals, and Targets	No Policy Although some cities have created food systems plans, no regional or statewide food systems plan exists.	<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 those targets. ■ Support regional plans, which provide the opportunity to set goals and targets for advancing food systems and promoting food waste reduction strategies.
Plans Targeting Solid Waste	Weak Policy Florida develops a strategic plan every two years that outlines goals and programming initiatives for the state. The state collects extensive data on recycling rates. ⁹ While final reports will not be available until mid-year 2021, the most recent interim recycling rates indicate that the state is currently not on track to meet the diversion goals meant to be achieved by 2020.	<ul style="list-style-type: none"> ■ Update the Florida Solid Waste Management Act to complement waste diversion goals and recommendations for management of food waste.¹⁰ ■ Supplement the solid waste management plan with an organics management plan or a zero-waste plan that highlights food waste as a diversion opportunity, including via prevention, rescue, donation, and/or processing through composting or anaerobic digestion. ■ Municipalities can modify county and local solid waste management plans to incorporate a stronger focus on food waste reduction, including by establishing a timeline for achieving diversion goals.
Climate Action Goals	Weak Policy A previous governor established climate action goals in the form of executive orders, although these documents did not reference the relationship of food waste to greenhouse gas emissions. ¹¹ There is no current framework or support to achieve these goals.	<ul style="list-style-type: none"> ■ Pass legislation and/or issue executive orders to establish updated climate action goals. ■ Task specific departments with actionable steps for advancing emission reductions in the context of reducing food waste. ■ Create specific recommendations for reducing food waste through climate action planning, and task specific departments with actionable next steps for moving policy forward. ■ Pass local climate action goals and plans to draw the connection between emission reduction and food waste reduction and to advance local efforts.
Grants and Incentive Programs Related to Food Waste Reduction	Weak Policy In the past, Florida has provided grants and funding for food loss and waste prevention and education or for promotion of food rescue, but several of these funds have been discontinued. ¹²	<ul style="list-style-type: none"> ■ Fund the programs previously established to support food waste reduction activity. ■ Consider establishing a funding stream to support infrastructure development for food rescue and food waste processing. ■ Establish a free technical assistance program to help businesses divert organics from the waste stream. Local technical assistance programs can support these efforts.

Florida Food Waste Policy Inventory

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

There are no known organics disposal bans or recycling laws in the state of Florida. However, a statute that went into effect in 2013 sets various recycling goals for local governments. This statute encourages counties to consider plans for organics composting but does not impose any obligations with respect to the practice.

Citation	Summary & Key Elements	Source
Fla. Stat. § 403.706 (2013)	<p>Title: Title 29: Public Health, Chapter 403: Environmental control, Section 706: Local government solid waste responsibilities</p> <p>Summary: Each county is responsible for developing plans for the operations of solid waste disposal facilities.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Each county is encouraged to incorporate composting or mulching organics that otherwise would be disposed of in landfills. ■ Partnerships with the private sector are encouraged for composting or mulching plans. 	https://www.flsenate.gov/Laws/Statutes/2013/403.706

DATE LABELING

Florida currently requires date labels for two food items: shellfish and milk products. Neither of these products is permitted for sale after the date marked on the container. As noted below, there are no restrictions on the donation of past-date food items.

Citation	Summary & Key Elements	Source
Fla. Admin. Code Ann. r. 5L-1.007 (2019)	<p>Title: Container Identification; Prohibitions</p> <p>Summary: Outlines parameters for date labeling and packaging for shellfish.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Containers with less than 64 ounces of fresh, fresh-frozen, or previously frozen shellfish need to have clearly legible and conspicuous “sell by” date labels. ■ This date when the product will reach the end of its shelf life is determined by the processor. ■ Containers with 64 ounces or more of fresh, fresh-frozen, or previously frozen shellfish need to have the “date shucked” clearly labeled. ■ Bulk storage containers must indicate the state of origin, harvest date, and shuck date. ■ Previously frozen shucked shellfish must be labeled “previously frozen” and display the freeze date and thaw date. 	https://www.flrules.org/gateway/RuleNo.asp?title=THE%20COMPREHENSIVE%20SHELLFISH%20CONTROL%20CODE&ID=5L-1.007
Fla. Admin. Code Ann. r. 5L-1.004 (2019)	<p>Title: Production and Market Standards</p> <p>Summary: No shucked shellfish can be sold, offered for sale, or processed, packed, or repacked after the “sell by” date.</p>	https://www.flrules.org/gateway/RuleNo.asp?title=THE%20COMPREHENSIVE%20SHELLFISH%20CONTROL%20CODE&ID=5L-1.004

Citation	Summary & Key Elements	Source
Fla. Admin. Code Ann. r. 5K-10.003 (2008)	<p>Title: Dating; Standards for Milk, Milk Products, Manufactured Milk Products and Frozen Desserts</p> <p>Summary: All milk and milk products need a legible label with the shelf-life date. This label needs to be in a conspicuous location on the container.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ The methods to determine the shelf life of these products will be microbiological and organoleptic. ■ The maximum shelf life of fluid uncultured milk pasteurized at less than 270 °F shall not exceed 10 days from date of packaging unless the government grants an exception. ■ No milk or milk products can be offered for sale as a grade A product after the expiration date on the container. ■ However, the abovementioned does not apply to containers of milk or milk products that are not sold in Florida. 	https://www.flrules.org/gateway/ruleno.asp?id=5K-10.003

FOOD DONATION LIABILITY PROTECTIONS AND TAX INCENTIVES FOR FOOD RESCUE

Florida provides liability protection, both civil and criminal, for food donations. There are currently no tax incentives for food donation in Florida.

Citation	Summary & Key Elements	Source
Fla. Stat. § 768.136 (2016)	<p>Title: Liability for Canned or Perishable Food Distributed Free of Charge</p> <p>Summary: Outlines liability protection for donating food.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Anyone donating food in good faith to a bona fide charitable or nonprofit organization for free is not subject to criminal penalty or civil damages that may arise from the condition of the food unless an injury is caused by gross negligence, recklessness, or intentional misconduct. ■ Charitable or nonprofit organizations that are uncompensated are also protected from criminal penalty or civil damages arising from the condition of the food unless an injury is caused by gross negligence, recklessness, or intentional misconduct. ■ This protection extends to donors and charitable distributors regardless of whether such food is readily marketable due to appearance, freshness, grade, surplus, or other such considerations. 	<p>Law:</p> <p>https://www.flsenate.gov/Laws/Statutes/2016/768.136</p> <p>Legal fact sheet:</p> <p>https://www.fdacs.gov/content/download/84633/file/FRP-FOOD-DONATION-Farmers-Guide-2020.pdf</p>

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

In 2020 the Florida Department of Environmental Protection (FDEP) started the process of updating its rules that cover organics recycling, with the intent of making a few revisions.¹³ But through the review process it recognized a need to make more substantive changes, according to Division of Solid Waste officials. The rulemaking revisions are expected to be proposed in 2021, in conjunction with a public comment period. Officials did not provide any specific details on the changes but noted they include adding definitions of pre-consumer and postconsumer food waste, which will help facilitate diversion of those materials in the solid waste stream. It also will define community composting, which will apply to the exemption noted in the table below. Currently the rule uses the term “vegetative waste” to mean source-separated organics that are not yard trash. (FDEP has always referenced yard trimmings as “yard trash.”) The revisions do not include creating a regulatory tier or tiers for source-separated food waste composting. The current rule has very detailed classifications for compost and how it may be used (it is the most explicit of all states reviewed for this project). FDEP also notes that a stand-alone food waste anaerobic digestion facility requires an air quality permit and thus does not fall under its solid waste rule (62-709); any solid waste management requirements would be incorporated in the air permit. Generally speaking, utilization of waste-to-energy facilities for solid waste management in a number of Florida cities and counties (especially in the Southeast and on the Gulf Coast) has made it very difficult to implement source-separated food scrap composting and anaerobic digestion. This is partly due to flow-control regulations. Food waste composting facilities in Florida operate under a registration classification, as opposed to a solid waste composting permit.

Food waste is defined as “garbage” and is allowed to be diverted to animals for feed, but a license is required to do so.

Citation	Summary & Key Elements	Source
<p>Fla. Admin. Code r. 62-709</p>	<p>Title: Criteria for Organics Processing and Recycling Facilities</p> <p>Summary: Covers any solid waste management facility whose purpose is or includes the production of compost.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ The four classifications of composting are: Exempt, Registration, Pilot, and Permitted. ■ Exemptions include: <ul style="list-style-type: none"> □ Composting of solid waste generated on site or off site, when there is no more than 100 cubic yards (cy) of solid waste on site at any one time to be composted, undergoing the composting process, or finished and being stored for use. □ On-farm composting. □ Composting or anaerobic digestion of yard trash, manure, or vegetative wastes generated off a farm, for use on the farm as part of agronomic, horticultural, or silvicultural operations. ■ Registration is allowed for facilities processing “vegetative waste”—defined as source-separated organic solid waste that is vegetative in origin; is generated by commercial, institutional, agricultural, or industrial operations; and is not considered yard trash. This term includes waste generated by grocery stores, prisons, restaurants, packing houses, and canning operations, as well as products that have been removed from their packaging, such as out-of-date juice, vegetables, condiments, and bread. This term also includes packaging that is vegetative in origin such as paper or cornstarch-based products. These wastes are putrescible waste as defined in this chapter. ■ Registration is required for owners or operators of yard trash processing facilities; facilities composting vegetative waste, animal by-products or manure with or without yard trash; and manure blending operations that meet the criteria of this rule. No maximum quantity of feedstocks allowed at any one time or per year is specified. ■ Any putrescible waste received at registered facilities, such as vegetative wastes, animal by-products, or manure, shall be processed and incorporated into the composting material, or removed from the facility, within 48 hours of receipt. ■ Currently there are minimal operating standards or requirements for registered facilities, e.g., type of pad and stormwater management. Two operating standards of note are these: The carbon:nitrogen ratio of the blended feedstocks shall be greater than 20:1, and material cannot be stored or processed in piles more than 12 feet in height. (FDEP officials note that the revised rule will require an operational plan for registered facilities.) ■ Any compost produced from solid waste, excluding compost made with only yard trash or pre-consumer vegetative waste, must be “disinfected”—i.e., meet the Process to Further Reduce Pathogens (PFRP) requirements. ■ Composting facilities that process domestic wastewater residuals with other solid wastes are regulated under this chapter. 	<p>https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-709</p>
<p>Fla. Admin. Code r. 62-709.460</p>	<p>Title: Special Permitting Criteria for Solid Waste Organics Recycling Pilot Projects</p> <p>Summary: Entities wanting to conduct an organics recycling pilot shall operate only under a permit issued in accordance with this rule.</p> <p>Key Elements:</p> <p>Provision does not specify allowed feedstocks.</p> <p>Pilot will initially operate for no more than 18 months, with the option to extend the project for an additional 18 months.</p> <p>Pilot will accept no more than 10,000 cubic yards of project feedstock.</p> <p>Application must describe materials to be processed, what the project is designed to do, and how it will operate.</p> <p>Project must meet requirements for PFRP (disinfection of end products).</p>	<p>https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-709</p>

Citation	Summary & Key Elements	Source
<p>Fla. Admin. Code r. 62-709.500</p>	<p>Title: Design Criteria for Permitted Facilities</p> <p>Summary: Applies to composting facilities accepting any solid waste other than yard trash, vegetative waste, animal by-products, or manure. Design and operational criteria are more stringent than for Registration status. Types of feedstocks that can be accepted under this permit are not specified. There are no quantity limits.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Facility site shall have sufficient structural support for the operation including total waste received, material processed, compost stored, equipment, and structures to be built on site (<i>sufficient</i> is not defined). ■ Inspection and weighing procedures for incoming waste are required. ■ Stormwater controls shall be designed, constructed, and maintained to meet the requirements of Chapters 62-25 and 62-330, F.A.C.¹⁴ (A search for compost in those chapters resulted in no matches.) Where FDEP has delegated stormwater permitting to a water management district, these controls must meet the requirements of the water management district. A leachate collection and removal system must be designed, constructed, maintained, and operated to collect and remove leachate from the waste receiving and storage areas and the processing and curing areas. Leachate must be reused in the composting process or treated. 	<p>https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-709</p>
<p>Fla. Admin. Code r. 62-709.530</p>	<p>Title: Testing, Recording and Reporting Requirements</p> <p>Summary: This section details types and frequency of compost testing.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ A composite sample of the compost produced at each composting facility must be analyzed at intervals of every 20,000 tons of compost produced or every three months, whichever comes first, for percent moisture, percent reduction in organic matter, percent organic matter, and pH. ■ Facilities must demonstrate compost has been disinfected by analyzing for fecal coliform or <i>Salmonella</i> sp bacteria, at intervals of every 20,000 tons of material produced or every three months, whichever comes first. Also must test for enteric viruses and helminth ova. ■ Compost made from solid waste other than only yard trash, vegetative wastes, animal by-products, or manure must be analyzed at intervals of every 20,000 tons of compost produced or every three months, whichever comes first, for: <ul style="list-style-type: none"> 1. Percent foreign matter; and 2. Total cadmium, copper, lead, nickel, and zinc, all in mg/kg dry weight. 	<p>https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-709</p>

Citation	Summary & Key Elements	Source
<p>Fla. Admin. Code r. 62-709.550</p>	<p>Title: Classification of Compost</p> <p>Summary: Compost must be classified according to the type of waste processed, product maturity, the amount of foreign matter in the product, the particle size and organic matter content of the product, and the concentration of heavy metals.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Characteristics to determine classification include type of waste processed, product maturity (mature, semi-mature, fresh), foreign matter content, particle size, and heavy metal concentrations (categorized into four pollutant concentration codes (classifications) for cadmium, copper, lead, nickel and zinc). All of these parameters help determine allowed usage of composts. ■ There are seven classifications of compost, starting with Type Y (yard trash only) and YM (vegetative waste, animal by-products, or manure, with or without yard trash). For example, YM is classified as mature or semi-mature and is fine, medium, or coarse, with foreign matter content of <2 percent and metal concentration. ■ Types A–E are composts made at permitted facilities, i.e., made from solid waste other than only yard trash, vegetative waste, animal by-products or manure. ■ Defines mature, semi-mature, and fresh composts, e.g., “Semi-mature compost is compost material that is at the mesophilic stage that will reheat upon standing to greater than 20 °C above ambient temperature. It has beneficial use, although direct contact with roots should be avoided. The material should be a light to dark brown in color. This level of maturity is indicated by a reduction of organic matter of greater than 40 percent but less than or equal to 60 percent.” 	<p>https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-709</p>
<p>Fla. Admin. Code r. 62-709.600</p>	<p>Title: Criteria for the Use of Compost</p> <p>Summary: Defines allowances for compost distribution based on classification.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Compost classified as Types Y, YM or A have no restrictions on distribution. ■ Types B and C “shall be restricted to use by commercial, agricultural, institutional or governmental operations. However, if it is used where contact with the general public is likely, such as in a park, only Type B may be used.” ■ Types A, B and C composts are all made from solid waste, other than only yard trash, vegetative waste, animal byproducts or manure. The letter distinguishes the level of maturity, particle size (fine, medium or coarse), foreign matter content (e.g., glass), and the pollutant concentration (i.e., Codes). ■ Type D compost may be used only at landfills or land reclamation projects as long as contact with public is unlikely. ■ Regulation includes criteria for situations in which repeated use of compost can be expected, e.g., agricultural soils. 	<p>https://www.flrules.org/gateway/RuleNo.asp?title=CRITERIA%20FOR%20ORGANICS%20PROCESSING%20AND%20RECYCLING%20FACILITIES&ID=62-709.600</p>
<p>Fla. Stat. § 585.01 (2012)</p>	<p>Title: Definitions</p> <p>Summary: Defines “garbage” as it pertains to the animal industry.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Garbage can be defined as all refuse matter, including animal or vegetable, by-products of a restaurant, kitchen or slaughterhouse. ■ Garbage shall not include fruit or vegetable matter that does not contain or has not been in contact or mixed with meat or meat parts. 	<p>https://www.flsenate.gov/Laws/Statutes/2012/585.01</p>

Citation	Summary & Key Elements	Source
Fla. Stat. § 585.50 (2016)	<p>Title: Section 50: Garbage Feeding Prohibited Unless Sterilized</p> <p>Summary: It is unlawful to feed garbage to animals unless the garbage has been heated, cooked, treated, or processed under such temperature, pressure, process, or method for a certain amount of time to be free of any diseases that might affect the animals.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ The Department of Agriculture may promulgate rules covering the method of treating garbage such that it renders the garbage free of any contagious, infectious, or communicable disease. ■ This does not apply to anyone feeding garbage from their household to their own animals. 	https://www.flsenate.gov/Laws/Statutes/2016/585.50
Fla. Stat. § 585.51 (2019)	<p>Title: Section 51: Permitting of Feeders of Garbage</p> <p>Summary: A license must be obtained to feed garbage to animals.</p>	https://flsenate.gov/Laws/Statutes/2019/0585.51
Fla. Admin. Code Ann. r. 5C-11.017 (1995)	<p>Title: Feeding Garbage; Procedures, Equipment, Records, Quarantine and Pretreating Requirements</p> <p>Summary: Outlines requirements for garbage treatment before it is fed to animals.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ All garbage must be cooked for at least 30 minutes at 212 °F before being fed to animals. ■ Anyone feeding garbage to animals must keep records of the collection, transportation, and distribution of garbage and procedure of treating garbage. 	https://www.flrules.org/gateway/ruleno.asp?id=5C-11.017

FOOD SAFETY POLICIES FOR SHARE TABLES

The Florida Department of Agriculture and Consumer Services web page for its Food Recovery Program offers a number of resources on food donation, including specific guidelines and resources related to COVID-19, as well as guidelines and resources for food rescue at schools, on farms, and in homes.¹⁵ Because food safety guidelines are promulgated by local health departments, there is no comprehensive food safety guidance for food donation or for share tables in schools, except by reference to the USDA share table memo.¹⁶

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

No statewide food systems plan has been developed for the state of Florida. The Sarasota Food Policy Council created a food system plan examining the needs of the foodshed of Sarasota County.

Citation	Summary & Key Elements	Source
Food Policy Input to Draft Comprehensive Plan of Sarasota County (2016)	<p>Summary: Developed by the Sarasota Food Policy Council, composed of stakeholders representing the community foodshed of Sarasota County, this document was input into the Comprehensive Plan of Sarasota County.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Notes issues and concerns for Sarasota County, including low levels of available locally produced food, regulatory barriers, and growing community support for local food system development. ■ Encourages development of school and community gardens and edible landscaping of public buildings. ■ Proposes searchable database of local food system assets. ■ Establishes the Sarasota Food Policy Council as an official advisory panel to Sarasota County government, with 50 percent of seats reserved for county stakeholders. 	http://sfyl.ifas.ufl.edu/sarasota-docs/ag/Food_Policy_Recommendations_2015_Update_Process_Comprehensive_Plan_Sarasota_County.pdf

Citation	Summary & Key Elements	Source
Health in All Policies: Food Access and Community Gardens, Terrace Park/ University Square (2018)	<p>Summary: Developed by the City of Tampa through a 2017 grant from the Florida Department of Economic Development, the plan identifies health-related goals in the current comprehensive plan, solicits community feedback on possible comprehensive plan policy changes, and discusses the need for a community garden and potential sites.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Tracks key demographics and economic data for Hillsborough County and the Terrace Park/University Square Area. ■ Recommends transportation and sidewalk improvements for food access. ■ Collects community input on preferences for purchasing fresh produce. 	http://www.planhillsborough.org/wp-content/uploads/2018/01/HiAP-Food-Access-and-Community-Gardens-Terrace-Park-University-Square-Jan.-2018-low-res.pdf

PLANS TARGETING SOLID WASTE

Florida’s Solid Waste Management Act of 1988 established a state solid waste management program and acknowledged the powers of local governments to create their own solid waste management plans in accordance with the state plan.¹⁷ Florida established a 75 percent recycling goal to be achieved by 2020, through a variety of means including composting and organics diversion efforts.

It is notable that the Energy, Climate Change and Economic Security Act of 2008 set forth recycling targets for the state, and goals for 2012 and 2014 were met. In 2016 the state did not meet its interim goal, and the recycling rate declined.¹⁸ In 2018 the rate was 49 percent. This decline has been attributed to decreases in the reporting of recycling of construction and demolition debris.

Citation	Summary & Key Elements	Source
Fla. Stat. §§ 403.702 et seq. (2018)	<p>Title: Resource Recovery and Management</p> <p>Summary: General framework for resource recovery and management in the state of Florida, including recycling and solid waste management.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Sets up state solid waste management program, providing guidelines and coordinating with local governments and state agencies. ■ Sets up solid waste management trust fund and use of waste tire fees for solid waste management grant program. ■ Outlines local government solid waste responsibilities and powers. ■ Requires Florida Department of Environmental Protection to establish and maintain rules addressing standards for the production of compost. 	https://www.flsenate.gov/Laws/Statutes/2018/Chapter403/Part_IV
Fla. Stat. § 403.7032 (2018)	<p>Title: Energy, Climate Change, and Economic Security Act of 2008 (amending § 403.7032, Recycling)</p> <p>Summary: Establishes a statewide recycling goal with infrastructure to support achieving this aim.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Sets a goal to reach a 75 percent recycling rate by 2020, but notes that any solid waste used for the production of renewable energy will count toward the long-term recycling goal. ■ Requires the Department of Environmental Protection to establish a program to meet this goal. ■ Establishes Recycling Business Assistance Center (below). 	http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0403/Sections/0403.7032.html

Citation	Summary & Key Elements	Source
<p>75 Percent Recycling Goal Report to the Legislature (2010)</p>	<p>Summary: Report developed by Florida Department of Environmental Protection in response to requirement in the Energy, Climate Change and Economic Security Act of 2008 (amending Fla. Stat. § 403.7032 (2018)).</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Identifies a then current statewide recycling rate of 28 percent and recognizes organics as a key component of reaching the 75 percent goal as this material makes up 40 percent of the state’s municipal solid waste. ■ Identifies home composting as an important strategy in organics management. ■ Recognizes a need for market development for finished product from organics processing. ■ Recommends: <ul style="list-style-type: none"> □ Ensuring that state agencies are meeting the 75 percent goal and developing recycling resources for agencies. □ Collaborating with municipalities to increase recycling efforts. □ Requiring schools to implement recycling programs. □ Establishment of a recycling grants or revolving loan program to support municipalities in meeting the recycling goal. □ Collaborating with the Florida Department of Agriculture and Consumer Services to review potential markets for organic materials. □ Providing funding for initiatives to develop and implement organics diversion strategies. □ Modifying language in Section 403.7043, F.S. related to composting to allow FDEP to establish rules and criteria for organics processing as opposed to focusing solely on composting. □ Amending Section 403.706(2) (d), F.S. to include a diverse range of organic recycling technologies that can count toward the compost goal. Further, in Section 403.714(2), (30), and (4), F.S. replacing the term <i>compost</i> or <i>composted</i> with “recycled organic(s)” to expand the scope of market development. 	<p>https://depdms.dep.state.fl.us/Oculus/servlet/operation?action=guidHitList&SelectedGuids=8.257172.1&profile=DWM+Historical+Repository</p>
<p>2010 Fla. Laws Chapter 2010-143</p>	<p>Title: An Act Relating to Environmental Control</p> <p>Summary: This act offers a variety of strategies for environmental control, including establishing departmental support for materials recovery, amending past reporting requirements, and modifying the recycling grants program.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Sets forth a process for establishing a Recycling Business Assistance Center by December 1, 2010. ■ Amends Section 403.7032 F.S. to include the statewide goal of a 75 percent recycling rate by 2020. ■ Requires that public entities report recycling data. ■ Mandates that the DEP provide the Legislature with a biennial report on the status of meeting solid waste reduction goals. If goals are not met, a report is required to outline changes required to meet the interim and 2020 goals. ■ Enables the DEP to require counties to plan for expanded recycling programs when certain conditions are met. ■ Eliminates requirements for: <ul style="list-style-type: none"> □ Counties to establish composting goals; □ Major emitters to register and report on greenhouse gas emissions; □ The DEP to create methods and reporting frameworks related to greenhouse gas emissions. ■ Revises the solid waste management grant program. ■ Requires the Florida Building Commission to provide recommendations for recycling and composting. 	<p>http://laws.flrules.org/2010/143</p>

Citation	Summary & Key Elements	Source
Recycling Business Assistance Center (Fla. Stat. § 403.7032 (2020), cited above)	<p>Summary: Established in law cited above “to achieve a 75 percent recycling rate by 2020.”</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Goals set forth by the center include: <ul style="list-style-type: none"> □ Partnering with trade associations and state agencies; □ Providing online support services; □ Distributing a quarterly newsletter; □ Maintaining a social media presence; □ Evaluating development of a nonprofit foundation to support fund-raising goals; □ Pursuing recognition or awards programs. ■ Offers training for business development in Florida. 	https://floridadep.gov/waste/waste-reduction/content/recycling-business-assistance-center

CLIMATE ACTION GOALS

In 2007, the governor of Florida issued three executive orders to initiate actions to reduce greenhouse gas emissions in the state. One element of this initiative was creating an Energy and Climate Change Action Plan. Two plans, Florida’s Energy and Climate Change Action Plan and a Florida Energy and Climate Action Plan developed by the Department of Agriculture and Consumer Services, do reference the benefits of anaerobic digestion in reducing emissions.

Citation	Summary & Key Elements	Source
Executive Order 07-126 (July 13, 2007)	<p>Title: Establishing Climate Change Leadership by Example: Immediate Actions to Reduce Greenhouse Gas Emissions From Florida State Government</p> <p>Summary: Creates greenhouse gas emission reduction targets for state agencies and departments:</p> <ul style="list-style-type: none"> ■ 10 percent reduction from current levels by 2012; ■ 25 percent reduction from current levels by 2017; ■ 40 percent reduction from current levels by 2025. <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Requires the state to develop a Florida Governmental Carbon Scorecard that monitors financial savings and greenhouse gas reductions as a result of this executive order. ■ Establishes a goal of meeting LEED Platinum-level certification for any new building construction, and LEED-EB standards in existing buildings. ■ As of January 1, 2008, requires meetings and conferences coordinated by the state to be hosted at businesses with DEP “Green Lodging” certification. 	https://www.fsec.ucf.edu/en/media/enews/2007/pdf/07-126-actions.pdf
Executive Order 07-127 (July 13, 2007)	<p>Title: Establishing Immediate Actions to Reduce Greenhouse Gas Emissions Within Florida</p> <p>Summary: Creates greenhouse gas emission reduction targets for the state.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Establishes emissions reductions targets that include reaching: <ul style="list-style-type: none"> □ 2000 levels by 2017; □ 1990 levels by 2025; □ 80 percent of 1990 levels by 2050. ■ Charges several members of the governor’s administration with developing rules related to reducing emissions from motor vehicles and energy utilities. ■ Asks the Florida Public Service Commission to initiate rulemaking to require that utilities produce at least 20 percent of their electricity from renewable sources (Renewable Portfolio Standard). As of the date of publication of this document, Florida still lacked a Renewable Portfolio Standard. 	https://www.fsec.ucf.edu/en/media/enews/2007/pdf/07-127-emissions.pdf

Citation	Summary & Key Elements	Source
<p>Executive Order 07-128 (July 13, 2007)</p>	<p>Title: Establishing the Florida Governor's Action Team on Energy and Climate Change</p> <p>Summary: Creates an Action Team on Energy and Climate Change with a charge to:</p> <ul style="list-style-type: none"> ■ Create an Energy and Climate Change Action Plan to meet goals established in Executive Order 07-127. ■ Provide recommendations for legislative initiatives related to reducing greenhouse gas emissions by November 1, 2007, and October 1, 2008, based on various sector focuses. 	<p>https://www.fsec.ucf.edu/en/media/enews/2007/pdf/07-128-actionteam.pdf</p>
<p>Florida's Energy and Climate Change Action Plan (October 15, 2008)</p>	<p>Summary: Developed as a result of the governor's Executive Order 07-128, this plan provides 50 policy recommendations to reduce greenhouse gas emissions and meet the governor's reduction goals.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Recommendations include: <ul style="list-style-type: none"> □ Testing new technologies to process organic waste, including agricultural wastes and food. This may include, but is not limited to, anaerobic digestion. □ Pursuing opportunities to incorporate organics as feedstocks for energy or fertilizer, including through technologies such as biomass gasification combined cycle, pyrolysis, and plasma arc. □ Expanding use of biomass feedstocks to produce electricity, heat, and steam. □ Commercializing biomass-to-energy conversion and bio-products technologies. □ Implementing a cap-and-trade system, which could include incentives to improve management of organic wastes. 	<p>https://toolkit.climate.gov/reports/florida%E2%80%99s%C2%A0energy-climate-change-action-plan</p> <p>OR</p> <p>http://www.climatestrategies.us/library/library/view/65</p> <p>http://drought.unl.edu/archive/plans/Climate/state/FL_2008.pdf</p>
<p>Florida Energy & Climate Plan</p>	<p>Summary: Report developed by the Florida Department of Agriculture and Consumer Services to provide policies for reducing the state's climate impact.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Acknowledges the potential for anaerobic digestion as a strategy to reduce methane emissions for organic waste and as a source of renewable energy. 	<p>https://www.fdacs.gov/ezs3download/download/89011/2560887/Media/Files/Energy-Files/Florida%20Energy%20and%20Climate%20Plan.pdf#:~:text=In%20the%20Florida%20Energy%20and,effective%2C%20measurable%2C%20meaningful%20change.&text=Florida%20is%20expected%20to%20face,climate%20change%20costs%20by%202040</p>

GRANTS AND INCENTIVE PROGRAMS RELATED TO FOOD WASTE REDUCTION

Several funding mechanisms exist in the state to support organic waste reduction efforts. As noted in the table below, several grant programs to support innovative diversion and composting efforts have been offered and since discontinued. The state also supports a Florida Organics Recycling Center for Excellence, FORCE, which provides resources to promote and advance organics diversion, processing, and use of end products.

Citation	Summary & Key Elements	Source
Recycling Loan Program	<p>Summary: Through FDEP, the program offers access to capital for equipment and machinery to expand recycling capacity in the state.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Offers long-term fixed-rate loans at interest rates below prime. ■ Offers funding of up to \$200,000 to small businesses in Florida, start-up companies, or out-of-state firms expanding into the state. Companies are required to have a net worth of less than \$6 million and fewer than 100 employees. ■ Program was initiated in 1995, and to date it has provided \$2.9 million across 27 loans. 	https://floridadep.gov/waste/waste-reduction/content/recycling-loan-program
Small County Consolidated Grants	<p>Summary: Funding supports initiatives such as solid waste management, litter prevention, and recycling and education.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ This funding has been available to counties with populations under 100,000 since 2002. ■ Funds are distributed equally among these counties. 	https://floridadep.gov/waste/waste-reduction/documents/small-county-consolidated-solid-waste-grant-application-attachment
Special Projects	<p>Summary: Through this initiative, funding was provided to support projects undertaken by local governments, including composting programs.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Allocated funding included \$281,000 to support compost demonstration sites, training events, and outreach. ■ Funding was available for FY 2008–2009. 	https://floridadep.gov/waste/waste-reduction/content/special-projects
FORCE	<p>Summary: Florida’s Organic Recycling Center for Excellence (FORCE) is the result of a collaboration between the FDEP and stakeholders in the state. Its mission is “to both provide a framework to promote organics recycling, and to serve as a catalog of information on statewide efforts to streamline compost processing, research, demonstration, marketing, and education in Florida.”</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ This project is funded through the Legislature and supports four sectors: <ul style="list-style-type: none"> □ Feedstock generators; □ Collectors and haulers; □ Processing facilities; and □ End-user markets. ■ FORCE conducted a grant program for the private and public sectors to support demonstration, research, and educational programs for managing organics. Eleven grants were awarded through this project; funding no longer appears available. ■ Through a partnership, the FDEP, Florida Department of Transportation, Recycle Florida Today, and industry have collaborated to increase the use of finished compost in transportation projects. FORCE is helping share information about this initiative. ■ Program was launched in April 2001. ■ Program provides resources for donating food and share tables, as well as advertising a Food Waste Week for April 2021. 	http://www.floridaforce.org/

Georgia 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>Georgia currently has no organics disposal ban for food waste. However, the Georgia Environmental Protection Division does offer resources for composting and food residuals diversion for residents.¹⁹</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 wasted food 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>Georgia imposes date labeling requirements on eggs, milk, infant formula, shucked oysters, and any food requiring time/temperature control for safety (TCS) or food labeled “keep refrigerated.”²⁰ It further notes that “expiration date” is synonymous with “pull date,” “best-by date,” “best before date,” “use-by date,” and “sell-by date,” and thus does not clearly distinguish between quality and safety, which likely increases waste. Georgia also prohibits the sale of certain foods past their label date.</p>	<ul style="list-style-type: none"> Establish guidelines expressly allowing the donation or the freezing of food after the quality-based date, and educate businesses about donation. Remove prohibition on offering milk and 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	<p>Weak Policy</p> <p>Georgia provides liability protection for donors and distributors of food offered for free and includes a presumption of good faith.²¹ Liability protections do not 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: <ul style="list-style-type: none"> 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>Georgia offers no tax deductions or credits for the donation of food.</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>Georgia has a permit-by-rule specifically for the composting of source-separated food scraps, and its composting rule is based on the U.S. Composting Council’s Model Compost Rule Template.²² Facilities, including small-scale operations, must apply for the permit-by-rule, but the application process is relatively easy. However, the permitting process for anaerobic digestion has fairly stringent requirements, which may discourage the establishment of such facilities.²³</p>	<ul style="list-style-type: none"> Ensure that permitting requirements are kept up-to-date with best practices for composting. Review existing permitting pathway for anaerobic digestion of source-separated food waste to determine what can be modified to facilitate anaerobic digestion of food waste while still protecting public health and the environment. Bolster the market for finished compost by enacting procurement requirements for commercial developers and/or government agencies (e.g., mandatory consideration of a bid for use of compost).

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Food Safety Policies for Share Tables	<p>Moderate Policy</p> <p>Georgia has established safety guidance for food donation and share tables.²⁴ However, it does not explicitly encourage the adoption of share tables.</p>	<ul style="list-style-type: none"> ■ Amend existing guidance to explicitly encourage the adoption of share tables. ■ Promote opportunities for schools to increase rescue through share tables and other methods.
Food Systems Plans, Goals, and Targets	<p>No Policy</p> <p>The city of Atlanta has created a food systems plan.²⁵ However, no regional or statewide food systems plans exist.</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 those targets. ■ Support regional plans, which provide the opportunity to set goals and targets for supporting food systems and promoting food waste reduction strategies.
Plans Targeting Solid Waste	<p>No Policy</p> <p>Georgia does not have a current solid waste management plan or specific goals for food waste reduction. The Environmental Protection Division (GEPD) has noted that it currently aligns itself with the EPA's waste reduction goal (see the GEPD website).²⁶</p>	<ul style="list-style-type: none"> ■ Develop a statewide solid waste management plan and provide updated specific waste diversion goals and recommendations for management of food waste through prevention, donation, rescue, and/or processing through composting or anaerobic digestion. ■ Supplement the solid waste management plan with an organics management plan or zero-waste plan that highlights food waste as a diversion opportunity, including prevention, rescue, donation, and/or processing through composting or anaerobic digestion. ■ Municipalities can modify local solid waste management plans to incorporate a stronger focus on food waste reduction, including establishing a timeline for achieving diversion goals. ■ Ensure minimum standards for regional or local solid waste management plans, including dedicated strategies for food waste reduction.
Climate Action Goals	<p>No Policy</p> <p>No specific climate action goals exist. Although the 2009 State Energy Strategy references studying the impact of federal climate change legislation and reporting emissions reductions in the Climate Registry, it does not discuss any initiatives that directly address either climate change initiatives or food waste.²⁷</p>	<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 task specific departments with 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 food waste reductions and to advance local efforts.
Grants and Incentive Programs Related to Food Waste Reduction	<p>Weak Policy</p> <p>Georgia does not offer funding for food loss and waste rescue, no technical assistance is available, and available funding is insufficient.</p>	<ul style="list-style-type: none"> ■ Establish specific grants, incentives, and funding for food loss and waste prevention and the promotion of food rescue. ■ Increase funding to support these activities. Reinstate full appropriations to the Solid Waste Trust Fund to support a stable funding mechanism for initiatives related to materials management. ■ Establish a free technical assistance program to help businesses divert organics from the waste stream. Local technical assistance programs can support these efforts.

Georgia Food Waste Policy Inventory

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

Currently, there are no organics disposal bans or recycling laws in place in Georgia. The Georgia Environmental Protection Division offers a few tips and resources for composting and food residuals diversion for residents.²⁸

DATE LABELING

Date labeling is required for eggs, infant formula, milk, shucked oysters, and food that is labeled “keep refrigerated.” These food items cannot be sold after the label date. There are no explicit restrictions on donating these food items after the date. Some of the relevant rules and regulations are complementary to one another and offer more detail. For instance, 40-7-1-.13 explicitly states that past-date sale of certain foods is unlawful, while 40-3-1-.01 and 40-2-3-.01 specify which date labels are required for some of the food items listed in 40-7-1-.13, and 40-7-1-.02 provides alternative date labels for the remaining food items.

Citation	Summary & Key Elements	Source
Ga. Comp. R. & Regs. 40-7-1-.02 (2021)	<p>Title: Retail Food Sales, Purpose & Definitions</p> <p>Summary: Provides definitions for what can be used for date labels, and states that the date on the label is the last day that specific food types can be sold.</p> <p>Key Elements</p> <ul style="list-style-type: none"> Expiration date is synonymous with “pull date,” “best-by date,” “best before date,” “use-by date,” and “sell-by date.” This date marks the last day on which the following food items can be sold: eggs, infant formula, milk, shucked oysters, and any food requiring time/temperature control for safety (TCS) or food labeled “keep refrigerated.” TCS food is food that requires time and/or temperature control to limit pathogenic microorganism growth or toxin formation. It includes animal food that is raw or heat-treated, plant food that is heat-treated, raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes, and garlic-in-oil mixtures. It does not include air-cooled hard-boiled egg with shell intact; egg with shell intact that is not hard-boiled but has been pasteurized; or hermetically sealed, unopened food that is commercially processed. 	https://rules.sos.ga.gov/GAC/40-7-1-.02
Ga. Comp. R. & Regs. 40-7-1-.13 (2021)	<p>Title: Retail Food Sales, Food Identity, Presentation, and Labeling</p> <p>Summary: It is unlawful to sell eggs, infant formula, milk, shucked oysters, and TCS food or food labeled “keep refrigerated” after the expiration date stated on the label.</p>	https://rules.sos.ga.gov/GAC/40-7-1-.13
Ga. Comp. R. & Regs. 40-3-1-.01 (2021)	<p>Title: Open Dating on Egg Cases and Egg Cartons</p> <p>Summary: All eggs that are sold or offered for sale must use an “open date” that expresses the expiration date or the packing date.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> The packing date is the date on which the eggs were washed, candled, and packed. The expiration date is the last day on which eggs can be sold at retail or wholesale. Eggs cannot be sold or offered for sale after the expiration date. 	https://rules.sos.ga.gov/GAC/40-3-1-.01#40-3-1-.01(e)1
Ga. Comp. R. & Regs. 40-2-3-.01 (2021)	<p>Title: Milk and Milk Products, Labeling, General</p> <p>Summary: All containers of milk or milk products must be labeled with a “sell by” date in a conspicuous and clear manner.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> This does not include frozen desserts and some shelf-stable products. 	http://rules.sos.ga.gov/gac/40-2-3-.01

FOOD DONATION LIABILITY PROTECTIONS AND TAX INCENTIVES FOR FOOD RESCUE

Georgia offers liability protection for food donation that goes beyond the federal protections for donated food. There are currently no tax incentives for food donation or rescue in Georgia.

Citation	Summary & Key Elements	Source
<p>Ga. Code Ann. § 51-1-31 (2020)</p>	<p>Title: Liability From Donation of Canned or Perishable Food to Charitable or Nonprofit Organizations for Use or Distribution</p> <p>Summary: Outlines Georgia’s liability protections for good-faith donors, gleaners, and distributors, absent recklessness or intentional misconduct.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Donors include, but are not limited to, farmers, processors, distributors, wholesalers, retailers of food, or commercial food service operators. ■ Gleaners are those who harvest for use or distribution an agricultural crop that has been donated by the owner. ■ A good-faith donor or gleaner who donates any canned or perishable food apparently fit for human consumption to a charitable or nonprofit organization for use or distribution is not subject to criminal penalty or civil damages that may come from the condition of the food donated unless injury results from recklessness or intentional misconduct of the donor or gleaner. ■ Charitable or nonprofit organizations that accept any canned or perishable food apparently fit for human consumption from a good-faith donor or gleaner for use or distribution are not subject to criminal penalty or civil damages unless injury results from recklessness or intentional misconduct of the charitable or nonprofit organization. ■ This protection also covers donated food that is not readily marketable due to appearance, freshness, grade, surplus, or other similar considerations. ■ The code does not restrict the authority of any lawful agency to otherwise regulate or ban the use of food for human consumption. 	<p>https://law.justia.com/codes/georgia/2010/title-51/chapter-1/51-1-31/</p>

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

The Georgia Department of Natural Resources (GADNR) Environmental Protection Division (EPD) regulates composting, mulching, and anaerobic digestion facilities in the state. Georgia adopted tiered regulations for composting in its 2014 rule, which was amended in 2018 with revisions and creation of a permit-by-rule tier for food scrap composting to facilitate such composting in the state. Georgia’s 2014 composting rule grew out of the U.S. Composting Council’s Model Compost Rule Template, which Georgia’s EPD helped create (and upon which Tennessee’s rules also are modeled).²⁹ The model rule created the term “contact water,” which GADNR defines as a liquid that has “passed through or emerged from raw feedstocks and materials that are being processed; liquid that has come into contact with equipment that is dedicated to the composting or anaerobic digestion process; and which contains extracted, dissolved or suspended materials. Contact water also includes condensate from gases resulting from the composting and the anaerobic digestion processes.” Only a handful of composting facilities in Georgia have permits to process source-separated food scraps. Community composting sites receiving off-site food scraps must apply for a permit-by-rule (i.e., they are not exempt from permitting), but the application process is not onerous.³⁰ The GADNR has more explicit requirements for anaerobic digesters in its solid waste rule than any other states reviewed for this project. For example, it includes requirements for feedstock and digestate storage, and monitoring of chemical oxygen demand and alkalinity; other states do not have these types of requirements for AD in their solid waste rules. No food waste digesters are in operation.

Food waste can be diverted to feed for swine but cannot contain any animal tissue.

Citation	Summary & Key Elements	Source
<p>Ga. Comp. R. & Regs. R. 391-3-4-.16 (Amended March 2018)</p>	<p>Title: Composting, Mulching and Anaerobic Digestion Facilities</p> <p>Summary: Regulations cover all organics recycling involving solid waste. Includes five classes of composting facilities and one class for anaerobic digestion and in-vessel composting. Feedstocks are divided into four categories.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Feedstock categories include: <ul style="list-style-type: none"> A. Yard trimmings, land-clearing debris, agricultural residuals generated and processed on site, untreated and unpainted wood, or any combination thereof. B. Agricultural residuals generated off site, herbivorous animal manure generated at a zoo, and/or source-separated organics. C. Sewage sludge and biosolids not managed as part of a treatment works. D. Dissolved air flotation skimmings or sludge generated from food processing and dewatered septage. ■ Composting facilities by class (each class has its own design and operating standards): <ul style="list-style-type: none"> □ Class 1: Grinding, chipping, and/or mulching Category A feedstock only; solid waste permit not required. □ Class 2: permit-by-rule (see below). □ Class 3: May compost Category A and B feedstocks; there are no limits on quantity, and the facility must be designed by a licensed engineer. More stringent (than Class 1 and 2) pad requirements (all-weather pad with slope between 2 percent and 6 percent to prevent ponding of water). Must have odor minimization plan that includes complaint response protocol, odor control measures, and odor monitoring protocol. □ Class 4: May compost Category A, B, and C feedstocks; has the most stringent pad requirements of all of the Classes (e.g., 1 foot in thickness with a hydraulic conductivity not exceeding 1×10^{-5} cm/sec). Must contain contact water in a tank with secondary containment or in an impoundment with a liner system consisting of a one-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec; must conduct groundwater monitoring. □ Class 5: May compost Category A, B, C, and D feedstocks. □ Class 6: Employ in-vessel composting or anaerobic digestion. These facilities may process Category A, B, C, and D feedstocks (see below). ■ Class 3–6 composting facilities and anaerobic digestion facilities that compost on site shall meet the test standards and requirements for end products laid out in the rule. ■ Georgia’s air quality rules do not cover composting. ■ Stormwater management requirements are contained in the composting rules and increase in stringency by class. 	<p>http://rules.sos.ga.gov/GAC/391-3-4-.16</p>

Citation	Summary & Key Elements	Source
<p>Ga. Comp. R. & Regs. R. 391-3-4-.16(5) (b)</p>	<p>Title: Design and Operating Standards for Composting Facilities by Class (within the “Composting, Mulching and Anaerobic Digestion Facilities” regulations)</p> <p>Summary: Facilities composting Category A and B feedstocks that meet both of the quantity and feedstock type criteria (see Key Elements) may operate under a permit-by-rule for composting facilities. This includes community composting sites accepting off-site food scraps.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Receive less than 500 tons/month of Category B feedstocks. ■ Category B feedstocks must be restricted to exclude the receipt of non-vegetative food processing residuals and manures, e.g., poultry processing waste. ■ Composting area shall be constructed to maintain its structural integrity under operating conditions and be capable of supporting vehicular traffic. ■ Facility shall have stormwater control measures and prevent contact water from the active composting area from going into surface water or into curing or finished compost areas. ■ For windrow operations, the maximum composting process windrow size and minimum composting process windrow spacing shall match capability and requirements of the equipment used at the facility. ■ By the end of each operating day, all incoming Category B feedstock must be processed into the active composting area, transferred to leakproof containment, or mixed with bulking material and covered in a manner that minimizes nuisance odors and scavenging by vectors. ■ Operation and management must at all times be under the supervision and control of an individual properly trained in the operation of such facilities. Facility operations managers must be able to document training in the basics of composting facility operations. 	<p>Guide to Class 2 permit-by-rule: https://epd.georgia.gov/composting-and-mulching</p> <p>Additional resource: https://ilsr.org/wp-content/uploads/2019/03/Compost-BMP-Appendix-E.pdf</p>
<p>Ga. Comp. R. & Regs. R. 391-3-4-.16(3)</p>	<p>Title: Exemptions (within the “Composting, Mulching and Anaerobic Digestion Facilities” regulations)</p> <p>Summary: Composting of less than 40 tons/year of food scraps generated on site is exempt; small-scale community operations taking off-site food scraps are regulated under the permit-by-rule tier.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ The following composting activities are exempt from permitting: <ul style="list-style-type: none"> □ Backyard composting. □ A facility composting or mulching only Category A feedstock. □ A facility processing less than 40 tons/year of food residuals generated on site and composted in leakproof containers that prohibit vector attraction and prevent nuisance odor generation. □ Composting of food residuals and yard trimmings generated on site at a K-12 institution for educational purposes. 	<p>http://rules.sos.ga.gov/GAC/391-3-4-.16?urlRedirected=yes&data=admin&lookingfor=391-3-4-.16</p>

Citation	Summary & Key Elements	Source
<p>Ga. Comp. R. & Regs. R. 391-3-4-.16. Sec.5(f)</p>	<p>Title: Class 6 In-Vessel Composting and Anaerobic Digestion (AD) Facilities</p> <p>Summary: Covers anaerobic digestion of feedstocks in solid waste stream. AD facilities located at a wastewater treatment plant and on-farm anaerobic digesters or lagoons are permitted in accordance with the Georgia Rules for Water Quality Control.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ May process Category A, B, C, and D feedstocks. ■ Design standards require description of the type of technology to be used, including drawings and specifications of composting or digestion equipment and a process flow diagram that includes the types of major material-handling equipment and material flow. ■ No quantity limits; required to report anticipated annual operational capacity in cubic yards or gallons/day. ■ Operator training is required. ■ Class B, C, and D feedstocks can be stored in leakproof containers with lids that prevent vector or odor problems for a period of time to allow for proper organic loading of the digester. This time period must not exceed four days. ■ Digestate not contained in an in-vessel digester, sealed container, or sealed structure must be removed from the site within 24 hours and either disposed of or processed at a permitted solid waste facility or incorporated into a permitted, on-site compost operation. Digestate may be stored in a sealed container or sealed structure for up to nine months. By-products from the separation of digestate shall be stored separately and in sealed containers. ■ Addition of a composting operation co-located at an AD facility requires a major permit modification (essentially a new permitting process). ■ In addition to digestate testing requirements, AD facilities must do the following: <ul style="list-style-type: none"> □ Perform daily testing of chemical oxygen demand if feedstocks change on a daily basis, or weekly if the feedstocks are consistent or if the digester is at steady state—i.e., the treatment level or the gas production is constant for at least three hydraulic retention times (HRT). □ Measure alkalinity daily if the feedstocks change on a daily basis or weekly if the feedstocks are consistent or if the digester is at steady state. □ Monitor gas production. 	<p>http://rules.sos.ga.gov/GAC/391-3-4-.16?urIRedirected=yes&data=admin&lookingfor=391-3-4-.16</p>

Citation	Summary & Key Elements	Source
Ga. Code Ann § 4-20-20 <i>et seq.</i> (2020)	<p>Title: Feeding Garbage to Animals</p> <p>Summary: Outlines the definition of <i>garbage</i>, more commonly called <i>swill</i>, and the guidelines for feeding various types of garbage to swine.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Section 20: Garbage is defined as all refuse matter—both vegetable and animal, by-products of kitchens, restaurants, or slaughterhouses, and every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise. ■ Section 21: Except as provided below, it is unlawful to feed garbage to animals unless a person is feeding garbage from their own household to their own animals. ■ Section 22: It is unlawful to feed garbage (defined in this section as refuse matter or by-product that contains animal tissue or that has been mixed with animal tissue, whether liquid or otherwise) to swine, and unlawful to place garbage in close proximity to swine where the swine could eat it. ■ Section 22(c): Section 22 does not apply to any person who raises swine solely for slaughter and consumption on the farm or property on which the swine are raised, provided that the person does not purchase and import or permit the importation onto such farm or property on which swine are raised any swine, portion of the carcass of any swine, pork food product, or garbage containing any animal tissue, whether liquid or otherwise; and does not sell, trade, exchange, export, or otherwise dispose of any swine, portion of the carcass of any swine, pork food product, or any garbage or refuse containing any portion thereof outside of such farm or property on which the swine are raised. ■ Section 23: A person can feed garbage that does not contain animal tissue to swine if he or she has properly obtained a license that remains valid. This does not apply to those feeding their own animals garbage from their own household. No license will be issued for the feeding of any garbage to swine as defined in Section 22 (containing animal tissue) unless the qualifications under Section 22(c) are met. 	<p>Accessible on LexisNexis:</p> <p>Section 20: O.C.G.A. § 4-4-20</p> <p>Section 21: O.C.G.A. § 4-4-21</p> <p>Section 22: O.C.G.A. § 4-4-22</p> <p>Section 23: O.C.G.A. § 4-4-23</p>

FOOD SAFETY POLICIES FOR SHARE TABLES

Georgia's agencies responsible for food donation have issued comprehensive guidance on food safety specifically for donated food; the Standard Operating Procedure document supplies Georgia-specific food safety guidance complementing the general recommendations of the USDA regarding share tables.³¹

Citation	Summary & Key Elements	Source
Standard Operating Procedure (SOP): Sharing Tables/Redistribution of Food	<p>Summary: The Georgia Department of Education and Georgia Department of Public Health collaborated to produce this SOP for share tables in schools.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Quotes relevant regulations, stating that non-time/temperature-controlled foods may be redistributed if the food is dispensed such that the dispensing container is closed between uses and the food is unopened and in sound condition. ■ Whole fruits with inedible peels and individual cartons of non-time/temperature-controlled fruit juice may be redistributed as long as they are in sound condition. ■ Recommends offer versus serve (OVS), which permits students to decline certain foods they do not want to eat. ■ Recommends monitoring to ensure no past-date foods are shared. ■ Provides resource for recordkeeping. 	<p>http://snp.wgadoc.org/wp-content/uploads/GeorgiaSharingTableSOPv0916.pdf</p>

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

A number of municipalities in Georgia have strategies for making their food system local and sustainable. Most of these strategies stem from the Atlanta region, and many of the elements within each plan complement those of other plans. For instance, the Resilient Atlanta Strategy focuses on building urban agricultural initiatives, while the Plan for Atlanta’s Sustainable Food Future aims to preserve green space and farmland near cities and build local economies by focusing on support for locally produced food and locally owned businesses.

Citation	Summary & Key Elements	Source
<p>East Point City Agriculture Plan</p>	<p>Summary: Food Well Alliance and the Atlanta Regional Commission are developing this plan (currently in draft form) to ensure that local food continues to be integrated into East Point City plans and programs in the face of development pressure in the Atlanta region. The plan aims to strengthen place-based food system relationships and preserve and grow urban farming in the city. A place-based food system makes the ties among producers, processors, distributors, consumers, and postconsumer waste disposal of food visible and integrated to enhance the environmental, economic, social, and nutritional health of a community and its residents.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Outlines the community outreach and engagement efforts that went into asset mapping and planning. ■ Recommends growing farm-to-school initiatives. ■ Strategizes for more mobile market opportunities. ■ Recommends strategies to build food security and food access. ■ Advocates for urban agriculture and plans for expanding resources to facilitate urban agriculture. ■ Recommends zoning reform to encourage urban agriculture. ■ Recommends various economic development strategies. ■ Plans for healthy eating initiatives. 	<p>https://static1.squarespace.com/static/543c2e74e4b0a10347055c4d/t/60009539493e8f6ee6afebfb/1610650939822/East+Point+City+Agriculture+Plan+%286%29.pdf</p>
<p>Resilient Atlanta Strategy (3.3.1, 3.3.2)</p>	<p>Summary: As part of the City of Atlanta’s Resilient Atlanta Strategy, Actions 3.3.1 and 3.3.2 set goals of developing a resilient local food system by 2025 and encouraging urban agriculture.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Building on a Rockefeller Foundation report on resilient food systems, the Atlanta Mayor’s Office of Resilience will work with nonprofit partners to map food systems and plan for a more sustainable food system for the city. ■ Proposes the establishment of an Urban Agriculture Bank, Conservation, and Trust (UABCT) to identify and distribute 25 acres of arable land to urban farmers. 	<p>https://drive.google.com/file/d/1XRxn6graZUacE-SISgRLf3005AzY0Qk2/view</p>
<p>A Plan for Atlanta’s Sustainable Food Future</p>	<p>Summary: Developed by the Atlanta Local Food Initiative, this 2008 document addresses sustainability in the food system in Atlanta and identifies goals for the next five years.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ The main focus of this plan is to promote healthy eating, reduce petroleum consumption, preserve green space and farmland within and near cities, reduce harmful environmental impacts, minimize pesticide exposure for farmworkers and consumers, build local economies, create new jobs, strengthen the social fabric of communities, and celebrate food heritage and cultural traditions. ■ Identifies goals broken out by “supply,” “consumption,” and “access.” ■ General goals include expanding urban agriculture, launching farm-to-school programs, expanding cooking skills, and increasing local, fresh food availability. 	<p>https://cdn.atlantaregional.org/wp-content/uploads/alfi-plan-book.pdf</p>

PLANS TARGETING SOLID WASTE

Georgia’s Comprehensive Solid Waste Management Act contains the minimum standards for regional-level solid waste management plans. The state does not currently have an updated solid waste management plan. According to the Environmental Protection Division’s (EPD) website, the EPD has aligned itself with the goal of recovering “wasted food” destined for landfills.³² This is in line with the U.S. EPA’s 2030 Food Loss and Waste Reduction Goal.³³ G. Comp. R. & Regs. 110-4-3 outlines the updated steps required to prepare and implement a local, multi-jurisdictional, or regional solid waste management plan pursuant to OC.G.A. 12-8-31.1 to “maintain the momentum established through past planning efforts.” The updated framework requires that local governments develop a plan that assesses the current status of solid waste management within a planning area, define their solid waste planning needs and goals, and determine how an effective and comprehensive solid waste management program will be implemented within their jurisdiction.

Citation	Summary & Key Elements	Source
<p>Ga. Code Ann § 12-8-20 et seq. (2020)</p> <p>Ga. Comp. R. & Regs. §110-4-3 (2004)</p>	<p>Title: Georgia Comprehensive Solid Waste Management Act</p> <p>Summary: Establishes a comprehensive program for solid waste management in the state.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Requires the state to develop a solid waste management plan and develop minimum standards for regional or local solid waste management plans. ■ Creates a policy that the state will educate and encourage generators to reduce waste through various strategies, including composting. ■ Acknowledges a goal to reduce per-capita municipal solid waste disposed in the state. ■ Creates a Solid Waste Trust Fund. 	<p>http://rules.sos.state.ga.us/gac/110-4-3</p>

CLIMATE ACTION GOALS

As explained on the Georgia Environmental Protection Division’s website, many of the criteria that the state seeks to meet related to reduction of greenhouse gases are based on federal requirements.³⁴ While the state has released two greenhouse gas emissions inventories, there are generally few initiatives or goals set forth at the state level to reduce these emissions. While the GEPD website notes that these inventories will be released every three years, only reports from 1990-2005 (released 2008) and 1990-2008 (released 2012) are available on the site. Additionally, on August 16, 2006, then governor Sonny Perdue appointed a Governor’s Energy Policy Council to develop a State Energy Strategy.³⁵

Citation	Summary & Key Elements	Source
<p>State Energy Strategy Update (2009)</p>	<p>Summary: Developed under the direction of Governor Perdue by the Georgia Environmental Facilities Authority, this is an update to the original road map that was released in 2006.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Highlights the governor’s goal to reduce energy consumption per square foot in state facilities to 15 percent below 2007 levels by 2020. ■ Focuses primarily on petroleum, natural gas, coal, renewable energy (including biomass), and electricity. ■ Includes a recommendation to recruit businesses that operate using waste products from other industries as feedstocks. 	<p>https://gefa.georgia.gov/sites/gefa.georgia.gov/files/related_files/document/Georgia-Energy-Report-2009.pdf</p>

GRANTS AND INCENTIVE PROGRAMS RELATED TO FOOD WASTE REDUCTION

Georgia maintains a Solid Waste Trust Fund that offers some funding for diversion programs. Additionally, the Department of Community Affairs offers resources for municipal recycling programs.

Citation	Summary & Key Elements	Source
<p>Ga. Dept. Nat. Res. Env't Prot. Div. Solid Waste Trust Fund Ga. Code Ann § 12-8-20 et seq. (2020)</p>	<p>Summary: Provides money to be appropriated to the Environmental Protection Division for cleanup and recycling initiatives. The fund was established through the Georgia Comprehensive Solid Waste Management Act. A 1992 amendment ensured that \$1 for each new tire sold in the state would be contributed to this fund. In 2019, House Bill 220 extended fee collection through FY 2022. The fee on each new tire is now \$0.38.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Under the act, the Environmental Protection Division must provide an annual report explaining the initiatives supported through this trust fund. ■ The fund is sustained by a fee collected with each sale of a new tire in the state. ■ This fund supports recycling initiatives, cleanups of scrap tires, and landfill management. This does not include food waste reduction initiatives. 	<p>https://epd.georgia.gov/about-us/land-protection-branch/recovered-materials/solid-waste-trust-fund</p>
<p>Solid Waste Management & Recycling Assistance</p>	<p>Summary: The Georgia Department of Community Affairs offers support for development and expansion of recycling programs and provides a Source Separated Organics Recycling Toolkit, funded by EPA, for local governments and other service providers.</p>	<p>https://www.dca.ga.gov/local-government-assistance/planning/local-planning/solid-waste-management-recycling-assistance</p>
<p>Georgia Department of Agriculture</p>	<p>Summary: The Department of Agriculture does not offer grants to individuals or businesses but administers federal grants and cooperative agreements through internal departmental divisions.</p>	<p>http://agr.georgia.gov/grants.aspx</p>

North Carolina Food Waste Policy Gap Analysis

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Organics Disposal Bans and Recycling Laws	No Policy North Carolina currently has no organics disposal ban for food waste.	<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	Moderate Policy North Carolina imposes date labeling requirements (date shucked or sell-by date) only on shellfish. ³⁶ The date labeling laws neither explicitly prohibit nor expressly allow past-date food donation.	<ul style="list-style-type: none"> ■ Establish guidelines expressly allowing the donation or the freezing of food after the quality-based date, and educate businesses about donation. ■ Launch education campaigns and guidance documents that promote consumer awareness and education on the meaning of date labels. ■ Capitalize on the number of legislative enactments and resolutions related to the prevention of food waste to issue new date labeling regulations, in alignment with federal guidance.
Food Donation Liability Protections	Moderate Policy North Carolina provides liability protection for donors and distributors of donated food and includes a presumption of good faith. ³⁷ 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, though it does not explicitly allow sale for a small fee. Liability protections do not cover food donated directly to needy individuals.	<ul style="list-style-type: none"> ■ Provide liability protection for certain “direct donations” made by food businesses to those in need. ■ Provide explicit liability protection for donations of food products past their quality-based date. ■ Provide explicit liability protection for donations sold by distributing nonprofits at a low price (either through legislation or through clarifying guidance).
Tax Incentives for Food Rescue	No Policy North Carolina offers no tax deductions or credits for the donation of food.	<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	Strong Policy North Carolina has a regulatory tier that includes source-separated food and an exemption from permitting for small-scale and/or community composting operations. The state also has a separate permitting pathway in solid waste regulations for anaerobic digestion of source-separated food waste. ³⁸	<ul style="list-style-type: none"> ■ Ensure that permitting requirements are kept up-to-date with best practices for composting. ■ Bolster the market for finished compost by enacting procurement requirements for commercial developers and/or government agencies (e.g., mandatory consideration of a bid for use of compost).
Food Safety Policies for Share Tables	Moderate Policy North Carolina has established safety guidance for food donation and share tables but does not explicitly encourage the adoption of share tables. ³⁹	<ul style="list-style-type: none"> ■ Amend existing guidance to explicitly encourage the adoption of share tables. ■ Promote opportunities for schools to increase rescue through share tables and other methods.

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Food Systems Plans, Goals, and Targets	<p>Moderate Policy</p> <p>North Carolina has robust regional food systems plans that consider food waste, and it is in the process of developing a state food systems plan.⁴⁰ No framework yet exists to achieve the targets to be identified.</p>	<ul style="list-style-type: none"> Once the Center for Environmental Farming Systems releases its report on North Carolina food resiliency, the state could create opportunities to coordinate with existing regional food system stakeholders and establish state infrastructure to support the goals of the report.
Plans Targeting Solid Waste	<p>No Policy</p> <p>North Carolina does not have a current solid waste management plan or waste diversion goals.⁴¹ The state has developed a 2020 Organics Recycling Study.⁴²</p>	<ul style="list-style-type: none"> Develop a statewide solid waste management plan and provide updated specific waste diversion goals and recommendations for management of food waste through prevention, donation, rescue, and/or processing through composting or anaerobic digestion. As a near-term action, develop an organics management plan to address food waste while a comprehensive solid waste management plan is being developed.
Climate Action Goals	<p>Moderate Policy</p> <p>North Carolina has a climate action plan, established through executive order, that calls for 40 percent emissions reductions below 2005 levels by 2025.⁴³</p>	<ul style="list-style-type: none"> The 2020 <i>Climate Risk Assessment and Resilience Plan</i> recommends improving efficiency in the food system and reducing food waste as a component of climate action.⁴⁴ To strengthen this policy, consider tasking specific departments with actionable next steps for advancing emissions reductions in the context of reducing food waste. Pass local climate action goals and plans to draw the connection between emission reductions and food waste reduction and to advance local efforts.
Grants and Incentive Programs Related to Food Waste Reduction	<p>Moderate Policy</p> <p>North Carolina offers grants and a special tax treatment of recycling and resource recovery equipment and facilities.⁴⁵ It also offers tax exemptions that include recycling equipment. Although support for food rescue is included, it is limited or subsumed by other waste programs. Additionally, free business support is offered through a Recycling Business Assistance Center.⁴⁶</p>	<ul style="list-style-type: none"> Explicitly provide funding and grant opportunities for food loss and waste prevention and for promotion of food rescue.

North Carolina Food Waste Policy Inventory

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

There are no organics disposal bans or recycling laws in North Carolina.

DATE LABELING

The only food item that requires date labeling is shellfish. There are no restrictions on foods to be sold or donated after the date that is labeled. However, food can be deemed misbranded if the sell by date has been altered. The sale, delivery, holding, or offering of any misbranded food is prohibited. This may result in food being wasted.

Citation	Summary & Key Elements	Source
N.C. Gen. Stat. Ann. § 106-130 (15)	<p>Title: Food Deemed Misbranded</p> <p>Summary: A food item will be deemed misbranded if the sell-by date label has been removed, obscured, or altered by any person other than the customer.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ If the label provided by the manufacturer, packer, distributor, or retailer contains a sell by-date or another date related to the last day of sale that has been removed, obscured, or altered, then this food is deemed misbranded. ■ This pertains to meat, meat products, poultry, and seafood. ■ Food that has been repackaged or relabeled must not have a new date labeled on it that is later than the original package's date. ■ This does not pertain to the relabeling of meat, meat products, poultry, or seafood that has been frozen, cooked, or gone through another process that extends its shelf life. 	https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter_106.html
15A N.C. Admin. Code 18A.0614	<p>Title: Sanitation of Shellfish</p> <p>Summary: Containers with shucked shellfish must have either the date shucked or the sell-by date labeled, depending on the size of the container.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ <i>Sell-by date</i> refers to a date conspicuously placed on a container that informs the consumer of the latest date the product will remain suitable for sale. ■ Containers with a capacity of 64 ounces or more that contain shucked shellfish must be labeled with the date shucked. ■ Containers with a capacity of less than 64 ounces that contain shucked shellfish must be labeled with a sell-by date. 	http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2018%20-%20environmental%20health/subchapter%20a/15a%20ncac%2018a%20.0614.pdf

FOOD DONATION LIABILITY PROTECTIONS AND TAX INCENTIVES FOR FOOD RESCUE

There are currently no tax incentives for food rescue. North Carolina provides liability protection, both criminal and civil, for donors and distributors that donate food, unless an injury is caused by gross negligence, recklessness, or intentional misconduct.

Citation	Summary & Key Elements	Source
N.C. Gen. Stat. Ann. § 99B-10	<p>Title: Immunity for Donated Food</p> <p>Summary: Donors and distributors of donated food are not liable for civil damages or criminal penalties resulting from the nature, age, condition, or packaging of donated food.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Donors include, but are not limited to, sellers, farmers, processors, distributors, wholesalers, and retailers of food who donate food to a nonprofit for use or distribution. ■ Distributors include any nonprofit organizations or nonprofit corporations that use or distribute food donated for this use. ■ This protection is null if there is an injury resulting from gross negligence, recklessness, or intentional misconduct of the donor or distributor. 	https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_99B/GS_99B-10.pdf

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

In November 2019, the North Carolina Department of Environmental Quality’s (NCDEQ) Division of Waste Management (DWM) Solid Waste Section completed a full review of its composting rules promulgated in 1996 and readopted them, with updates and some revisions. It clarified criteria for determining small versus large composting facilities and expanded the types of operations that are exempt from permitting, primarily small-scale food waste composting.⁴⁷ Provisions were added for regulating anaerobic digestion (AD) of solid waste, covering areas of an AD facility that manage solid waste. The DWM Solid Waste Section created a user-friendly website to navigate to its organics recycling regulations.⁴⁸ The site includes a resource page, permit application guidance, and a summary of the readopted rule.⁴⁹ In January 2021, NCDEQ’s Division of Environmental Assistance and Customer Service released an updated report, North Carolina Organics Recycling Study, Materials Managed 2011–2020 and Food Recovered 2019.⁵⁰ The report includes detailed organics processing infrastructure data as well as food recovery data.

Food waste can be diverted to feed swine under certain conditions, such as if the waste is heat treated first.

Citation	Summary & Key Elements	Source
<p>15A N.C. Admin. Code 13B.1401-.1410 (Last updated November 2019)</p>	<p>Title: Solid Waste Compost Facilities</p> <p>Summary: All composting facilities must have a permit issued by NC DWM and meet the general provisions and the siting, design, application, operational, distribution, reporting, and closure requirements in the rule, which was revised and readopted in 2019. Solid waste compost facilities are classified into seven categories based on the types and amounts of materials to be composted. Permits are issued for periods of 10 years.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Type 2 and Type 3 facilities are carved out for source-separated food waste (Type 1 facilities process yard trimmings and woody waste, which can be accepted at Types 2 and 3). ■ Type 2 may receive pre-consumer meat-free food processing waste, vegetative agricultural waste, source-separated paper, and other source-separated specialty wastes that are low in pathogens and physical contaminants. ■ Type 3 may receive manures and other agricultural waste, meat, postconsumer source-separated food wastes, and other source-separated specialty wastes that are low in physical contaminants but may have high levels of pathogens. ■ Type 4 facilities may receive industrial solid waste, non-solid waste sludges functioning as a nutrient source or other similar compostable organic wastes, or any combination thereof. Waste acceptable for a Type 1, 2, or 3 facility may be composted at a Type 4 facility. ■ Sec. .1402, (6) Small facilities: <ul style="list-style-type: none"> □ (A) Small Type 1 facilities have an operations area less than 2 acres in size and are limited to no more than 6,000 cubic yards (cy) material on site at any given time, including finished product. □ (B) Small Type 2, 3, and 4 facilities have an operations area less than 2 acres in size and are limited to no more than 1,000 cy material on site at any given time. ■ Sec. .1402, (7) Large facilities. <ul style="list-style-type: none"> □ (A) Large Type 1 facilities have an operations area of two or more acres in size or have more than 6,000 cy material on site at any given time. □ (B) Large Type 2, 3, and 4 facilities have an operations area of two or more acres in size or have more than 1,000 cy material on site at any given time. ■ Operations areas of Type 1, 2, and 3 facilities must have one of the following: <ul style="list-style-type: none"> □ (i) a soil pad with a soil texture finer than loamy sand. For a Type 1 or 2 facility, the depth to the seasonal high water table must be maintained at least 12 inches. For a Type 3 facility, the depth to the seasonal high water table must be maintained at least 24 inches; or □ (ii) a pad in accordance with Part C (pad with a linear coefficient of permeability no greater than 1×10^{-7} cm/sec). ■ Compost produced from Type 2, 3, and 4 facilities must be sampled and analyzed (specifics are given in Sec. 1407). ■ Facility owners and operators must file annual reports and maintain records for at least five years. 	<p>https://edocs.deq.nc.gov/WasteManagement/0/edoc/1360808/NC%20Compost%20Rules%2015A%20NCAC%2013B%20.1400.pdf?searchid=d9e361ba-c7e7-43fe-aa45-54edd58c29e6</p>

Citation	Summary & Key Elements	Source
<p>15A N.C. Admin. Code I3B..1402(f) and (g)</p>	<p>Title: General Provisions for Solid Waste Compost Facilities</p> <p>Summary: Readopted rule includes new permitting exemption for small compost facilities accepting Types 1, 2, and 3 feedstocks, provided specific conditions are met. The exemptions apply primarily to small food waste composting facilities.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Facilities must notify the DWM prior to operation and on an annual basis of its location, type and amount of wastes received, composting process, and intended distribution of the finished product. Facilities must also provide a letter from the unit of government having zoning jurisdiction over the site stating that the proposed use is allowed within the existing zoning, if any, and that any necessary zoning approval or permit has been obtained. ■ Feedstocks that can be received are limited to food waste, compostable dinnerware, manure, vegetative agricultural waste, yard and garden waste, land-clearing debris, untreated and unpainted wood waste, and/or source-separated paper. ■ The volume of material on site, not including finished compost, cannot exceed 100 cy at any given time. This amount includes feedstock storage, active composting, and curing composting. DWM estimates the size of a 100-cy pile, in the shape of one long windrow, would be approximately 8 feet wide, 5 feet high, and 100 feet long (shape can vary). Weight of 100 cy of compost is approximately 55 tons. ■ Size of the operations area must be less than 1 acre. Operations area is sum of areas for feedstock storage, unloading, grinding, mixing, composting, and curing. Does not include finished compost storage, roads, or buffer areas. 	<p>https://edocs.deq.nc.gov/WasteManagement/0/edoc/1360808/NC%20Compost%20Rules%2015A%20NCAC%20I3B%20.1400.pdf?searchid=d9e361ba-c7e7-43fe-aa45-54edd58c29e6</p>
<p>15A N.C. Admin. Code I3B.1409</p>	<p>Title: Alternative Procedures, Vermicomposting, and Anaerobic Digestion Requirements</p> <p>Summary: Sec. .1409 adds provisions for regulating AD facilities, including permitting and operating requirements.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ A solid waste management permit is required for the areas of an AD facility that manage solid waste, including incoming waste receiving area, digestate handling area, digestate final disposition area, and any other areas of the operation where solid waste is exposed to the environment. ■ A facility that takes food-type waste, including food waste slurry, of more than 50 percent by volume is permitted by DWM. The actual quantity is not a limiting factor. 	<p>https://edocs.deq.nc.gov/WasteManagement/0/edoc/1360808/NC%20Compost%20Rules%2015A%20NCAC%20I3B%20.1400.pdf?searchid=d9e361ba-c7e7-43fe-aa45-54edd58c29e6</p>
<p>15A N.C. Admin. Code I3B.1401-1410</p>	<p>Title: Operational Requirements for Solid Waste Compost Facilities</p> <p>Summary: The readopted rule added odor control and operator training requirements.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ The Odor Corrective Action section adds a protocol for the enforcement of odor compliance requirements in rules. ■ Compost training requirements are established for operators and staff of Large Type 1, Large Type 2, all Type 3, and all Type 4 facilities. 	<p>https://edocs.deq.nc.gov/WasteManagement/0/edoc/1360808/NC%20Compost%20Rules%2015A%20NCAC%20I3B%20.1400.pdf?searchid=d9e361ba-c7e7-43fe-aa45-54edd58c29e6</p>
<p>NC DENR Division of Water Quality GENERAL PERMIT NO. NCG240000</p>	<p>Title: To Discharge Stormwater and Process Wastewater Under the NPDES For Compost Facilities</p> <p>Summary: This is a water quality permit for composting facilities.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Applies to surface water runoff at facilities not enclosed in a building, and indicates that these types of operations “will most likely require a stormwater and/or wastewater permit.” ■ Issued to all owners or operators (i.e., permittees) as evidenced by receipt of a Certificate of Coverage by the Environmental Management Commission to allow the discharge of stormwater and process wastewater to the surface waters of North Carolina or to a separate storm sewer system conveying discharges to surface waters. 	<p>General Stormwater Permit: http://portal.ncdenr.org/c/document_library/get_file?uuid=5547f619-22bd-4fe9-813a-0bbb195332f8&groupId=38364</p> <p>Stormwater Manual For Composting Facilities: https://files.nc.gov/ncdeq/Environmental%20Assistance%20and%20Customer%20Service/Composting/DRAFT%20-%20Composting%20Facility%20Stormwater%20BMPs%20Informational%20Manual%20-%20Sep%202015.pdf</p>

Citation	Summary & Key Elements	Source
N.C. Gen. Stat. Ann. §§ 106-405.1 - 405.9	<p>Title: Part 10: Feeding Garbage to Swine</p> <p>Summary: Any person feeding garbage to swine must obtain a permit first, and the garbage must be heated before being fed to swine.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ <i>Garbage</i> is defined as animal waste resulting from cooking, handling, preparing, or consuming food. ■ A person who feeds garbage to swine must obtain a permit from the North Carolina commissioner of agriculture. ■ This does not pertain to someone who feeds their own household garbage to their own swine. ■ All garbage must be heated to at least 212 degrees F for at least 30 minutes or treated in some other manner that will be effective to protect animal and human health. 	https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter_106.html

FOOD SAFETY POLICIES FOR SHARE TABLES

North Carolina’s Division of Public Health within the Department of Health and Human Services has issued guidance on which food items may be donated and the rules that food establishments must follow when donating food. North Carolina considers food intended to be donated regulated food that must meet all the requirements set forth in Rules Governing the Food Protection and Sanitation of Food Establishments and the *North Carolina Food Code Manual*. Only packaged items that are not subject to time/temperature control for safety (TCS), whole fruit, or food meeting the requirements in N.C. Food Code Manual Section 3-306.14(B)(1)&(2) can be donated. Food provided on “sharing tables” or in other types of collection containers or equipment must meet these requirements as well.

Citation	Summary & Key Elements	Source
N.C. Public Health Position Statement on Donated Food, pursuant to N.C. Gen. Stat. 130A-248; N.C. Admin. Code 18A.2600. December 15, 2016.	<p>Title: Position Statement on Donated Food</p> <p>Summary: Food intended to be donated must meet all requirements set forth in the Rules Governing the Food Protection and Sanitation of Food Establishments and the <i>North Carolina Food Code Manual</i>.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Only unserved food can be donated. ■ Time/temperature control for safety (TCS) food cannot be donated. ■ <i>Served food</i> is food that has come in contact with the customer or is transferred from direct supervision and oversight by employees of the food establishment. This food cannot be returned to the food establishment to be donated. ■ Only packaged non-TCS, whole fruit, or food meeting the requirements in N.C. Food Code Manual Section 3-306.14(B)(1)&(2) can be donated. Food provided on “sharing tables” or in other types of collection containers or equipment must meet these requirements as well. ■ N.C. Food Code Manual Section 3-306.14(B)(1)&(2) allows containers of food that are not potentially hazardous (TCS food) to be re-served from one consumer to another if the food is in unopened, original packaging or maintained in sound condition; or the food is dispensed so that it is protected from contamination and the dispensing container is closed between uses, such as a narrow-neck bottle containing catsup or wine. 	https://ehs.ncpublichealth.com/docs/position/DonatedFood-PositionStatement-Dec2016.pdf

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

The Center for Environmental Farming Systems, a partnership among North Carolina State University, North Carolina Agricultural and Technical State University, and the North Carolina Department of Agriculture and Consumer Services, has put together a comprehensive plan for improving food resiliency and food systems in North Carolina. The plan focuses on improving access to healthy food and locally grown produce, supporting traditionally underrepresented farming communities, and supporting education initiatives. Other regional plans support similar goals.

Citation	Summary & Key Elements	Source
<p>North Carolina Food Resiliency Plan, Center for Environmental Farming Systems (2020)</p>	<p>Title: North Carolina Food Resiliency Plan</p> <p>Summary: Study in progress to improve North Carolina food system resilience and address disparities in health, wealth, and opportunity that disproportionately affect Black, Indigenous, and other people of color as well as rural communities.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Partnership among North Carolina State University, North Carolina Agricultural and Technical State University, and the North Carolina Department of Agriculture and Consumer Services. ■ Will deliver short- and long-term recommendations to root out causes of inequity and contribute to food system resilience. ■ Process and impacts will be informed by COVID-19, but the report will address food system needs beyond the pandemic. ■ Will capture longer-term investment opportunities, led by the communities most impacted by historical and current inequities. 	<p>https://cefs.ncsu.edu/food-system-initiatives/nc-food-resiliency-plan/</p>
<p>Triangle Farms for Food: Strategy + Action Plan, Conservation Trust for North Carolina and Community Food Lab (November 2016)</p>	<p>Title: Triangle Farms for Food: Strategy + Action Plan</p> <p>Summary: Three-year regional plan for the Triangle region (Chatham, Durham, Johnston, Orange, and Wake Counties), focused on farmland preservation and agricultural development strategy.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Prioritizes farmland protection areas in the Triangle. ■ Identifies strategies to conserve farmland, assist farmers, and support local food production through community economic development. 	<p>https://ctnc.org/wp-content/uploads/2019/06/2017-11-29-F4F-FINAL_rev1.pdf</p>
<p>Action Plan for Food Systems Improvement, Connect Our Future</p>	<p>Title: Action Plan for Food Systems Improvement</p> <p>Summary: Action guide for 14 counties, covering both North Carolina and South Carolina, to build and support local and regional food systems.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Build “community capital” through community food systems. ■ Develop networks, including food policy councils, to strengthen community food systems. ■ Bring food system issues to the forefront of local government by looking for opportunities to educate elected officials and decision makers. 	<p>http://www.connectourfuture.org/wp-content/uploads/2015/01/CONNECT-FS-Action-Plan-for-Food-Systems-Improvement.pdf</p>
<p>Resilience Initiative: Counties Strengthening NC’s Food Ecosystem, North Carolina Association of County Commissioners</p>	<p>Title: Resilience Initiative: Counties Strengthening North Carolina’s Food Ecosystem</p> <p>Summary: In 2020–2021 the Association of County Commissioners is leading an initiative to address food system resiliency in North Carolina.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Results forthcoming, but the goal of the initiative is to identify how counties can ensure that all North Carolinians have access to high-quality, affordable food and that local producers are able to meet this need. 	<p>http://www.ncacc.org/825/Resilience-Initiative</p>

Citation	Summary & Key Elements	Source
From Farm to Fork: A Guide to Building North Carolina's Sustainable Local Food Economy, Center for Environmental Farming Systems (April 2010)	<p>Title: From Farm to Fork: A Guide to Building North Carolina's Sustainable Local Food Economy</p> <p>Summary: On the basis of surveys of more than 1,000 North Carolinians, the Center for Environmental Farming Systems identified nine major issue areas to address through food system planning.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Engage decision makers in strategic food systems planning and implementation and in coordinating food systems policies across different regulatory agencies. ■ Grow access to affordable land, working capital, and risk-management strategies, particularly for underrepresented farming communities. ■ Expand local market opportunities and cultivate community gardens statewide. ■ Address public health and food access disparities while increasing consumer education and outreach, promoting farm-to-school programming, and engaging youth. 	https://www.ednc.org/wp-content/uploads/2015/02/stateactionguide2010farm-to-fork.pdf

PLANS TARGETING SOLID WASTE

The state's 10-year Solid Waste and Materials Management Plan has yet to be finalized, and the state does not maintain formal goals for waste reduction at this time. A Solid Waste Management Act, passed in 1989, outlines a framework for overseeing materials management efforts in North Carolina.

Citation	Summary & Key Elements	Source
Chapter 784 Senate Bill III § 130A-309	<p>Title: Solid Waste Management Act of 1989</p> <p>Summary: Establishes goals to manage solid waste in the state while promoting alternatives to landfill disposal.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Directs the North Carolina Department of Environment and Natural Resources (DENR) to create a solid waste management plan and to develop a grant program for recycling and materials management initiatives. ■ Encourages municipalities to plan and develop strategies to reduce solid waste generation and disposal, requires the implementation of local recycling programs, and encourages composting program development. ■ Outlines a hierarchy of preference for handling materials, promoting waste reduction, recycling, and reuse and composting before incineration for energy production, incineration, and disposal in landfills. ■ Mandates that municipalities identify and report the cost of solid waste management in their service area annually. ■ Empowers DENR to establish criteria and rules as standards for compost production. ■ Creates a Solid Waste Management Trust Fund to promote waste reduction, recycling and other activities related to solid waste management. Funding is provided by the General Assembly, by contributions from public or private sources, and through 10 percent of proceeds from a scrap tire disposal fee. ■ Requires that state agencies and local government procure compost for use in a variety of programs whenever practicable, including highway and erosion control projects. 	https://www.ncleg.net/enactedlegislation/sessionlaws/html/1989-1990/si1989-784.html

CLIMATE ACTION GOALS

The North Carolina Department of Environmental Quality maintains a website that shares links to a number of current plans and strategies that the state is pursuing to reduce greenhouse gas emissions.⁵¹ The state currently maintains a Climate Change Interagency Council that oversees efforts. Additionally, the state has produced a Clean Energy Plan, Zero Emission Vehicle Plan, Motor Fleet Zero Emission Vehicle Plan, and Clean Energy and Clean Transportation Workforce Assessment. Several of these reference the impact of reducing food waste on emissions reductions.

Citation	Summary & Key Elements	Source
<p>Executive Order 80 (October 29, 2018)</p>	<p>Title: North Carolina’s Commitment to Address Climate Change and Transition to a Clean Energy Economy</p> <p>Summary: Establishes goals to achieve the following by 2025:</p> <ul style="list-style-type: none"> ■ Reduce greenhouse gas emissions 40 percent below 2005 levels. ■ Register at least 80,000 zero emission vehicles (ZEVs). ■ Reduce state building energy consumption to at least 40 percent below FY 2002–2003 levels. <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Requires Cabinet agencies to adopt climate change mitigation practices through operations and encourages businesses, institutions, and governments in the state to do the same. ■ Creates a North Carolina Climate Change Interagency Council to monitor and maintain climate action programs, engage stakeholders, and develop related plans and assessments. This council provides an annual status report. ■ Requires the development of a North Carolina Clean Energy Plan and a North Carolina ZEV Plan by October 1, 2019. ■ Directs the Department of Environmental Quality to create a Comprehensive Energy, Water, and Utility Use Conservation Program by February 1, 2019. ■ Mandates the creation of a North Carolina Climate Risk Assessment and Resiliency Plan by March 1, 2020. 	<p>https://files.nc.gov/ncdeq/climate-change/E080--NC-s-Commitment-to-Address-Climate-Change---Transition-to-a-Clean-Energy-Economy.pdf</p>
<p>North Carolina Clean Energy Plan (October 2019)</p>	<p>Title: North Carolina Clean Energy Plan: Policy and Action Recommendations</p> <p>Summary: This plan, developed by the Department of Environmental Quality, sets forth policy and action steps for accomplishing the goals identified in Executive Order No. 80.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Includes considerations for biogas capture from anaerobic digestion and an acknowledgement that this can have a meaningful impact on statewide emissions. ■ Identifies swine waste, food and solid waste, and wastewater treatment plans as having the potential to increase biogas production while reducing emissions and supporting the rural economy. ■ Estimates that by 2030, agricultural and waste management sector emissions will equate to about 50 percent of the state’s electricity sector emissions, representing an opportunity for renewable natural gas projects that reduce emissions from these sectors. ■ Notes that a study is underway to locate and quantify biogas resources in the state and project related emissions reductions through biogas. ■ Recommends that the Energy Policy Council’s Energy Infrastructure Subcommittee conduct a study to identify opportunities to capture and utilize renewable natural gas in North Carolina. 	<p>https://files.nc.gov/governor/documents/files/NC_Clean_Energy_Plan_OCT_2019_.pdf</p>

Citation	Summary & Key Elements	Source
Climate Risk Assessment and Resilience Plan (June 2020)	<p>Title: North Carolina Climate Risk Assessment and Resilience Plan</p> <p>Summary: Developed as a result of Executive Order No. 80, this plan evaluates the state's vulnerability to climate change and identifies strategies to build resilience against this risk.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Acknowledges the importance of planning for waste management as a strategy for resilience. ■ Recommends: <ul style="list-style-type: none"> □ Improving efficiency in the food system and reducing waste, including through initiatives such as gleaning, donation tax credits, support of farm-to-food-bank efforts, and identifying opportunities to redirect food to animal feed or compost efforts. □ Expanding waste reduction programs to maintain landfill capacity to be able to accommodate storm-related debris. □ Increasing opportunities to reuse and recycle materials from communities impacted by natural disasters. 	https://files.nc.gov/ncdeq/climate-change/resilience-plan/2020-Climate-Risk-Assessment-and-Resilience-Plan.pdf

GRANTS AND INCENTIVE PROGRAMS RELATED TO ADVANCING FOOD WASTE REDUCTION

North Carolina offers a variety of grant funding programs in addition to potential tax credits to support diversion initiatives in the state. Additionally, a Recycling Business Assistance Center helps materials management businesses find available loan programs.

Citation	Summary & Key Elements	Source
Community Waste Reduction and Recycling (CWRAR) Grant Program	<p>Title: 2021 Community Waste Reduction and Recycling Grant Program</p> <p>Summary: Supports local governments in implementing waste reduction and recycling programs that provide lasting capacity expansion or raise public awareness.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Offers two categories in 2021: Priority Project Grants (up to \$40,000 per project) and Standard Project Grants (up to \$30,000 per project). ■ Included in priority projects for 2021 are initiatives to divert food waste through backyard composting and programs targeting the residential and commercial sectors. ■ A 20 percent cash match is required for the program. Excludes funding for salary, administrative costs, work with consultants, and collection fees from a contractor. ■ The project period for the grant cycle is July 1, 2021 through June 30, 2022, and applications were due February 18, 2021. 	https://files.nc.gov/ncdeq/Environmental%20Assistance%20and%20Customer%20Service/Financial%20Assistance%20-%20Local%20Government/2021-CWRAR-RFP.pdf

Citation	Summary & Key Elements	Source
Recycling Business Development Grant	<p>Title: 2021 Recycling Business Development Grants</p> <p>Summary: Aims to minimize solid waste that is delivered to disposal facilities and support materials recovery.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Supports recycling businesses in North Carolina that are offering effective strategies to expand recovery. ■ Typically funds investments in equipment and infrastructure to increase recycling capacity. ■ Funds cannot be used for labor, general operating, or processing contracts. ■ Funding has been awarded in the past to support organics processing and diversion efforts. ■ Offers up to \$40,000 for standard projects and \$60,000 for priority projects. Initiatives to expand collection, donation, or recycling of food waste were included in the list of priority projects for the 2021 funding cycle. ■ Application period for 2021 closed November 5, 2020. 	https://files.nc.gov/ncdeq/Environmental%20Assistance%20and%20Customer%20Service/RBAC/Grants/2021RecBusGrantRFP.pdf
Backyard Composting Grant Program	<p>Title: Backyard Composting Grant</p> <p>Summary: Offers municipalities funding to design and implement on-site composting for residents.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Funding of up to \$20,000 is available for local governments, with a requirement of at least a 20 percent cash match. ■ Application period for recent round of funding ended October 20, 2020. ■ Funds can be used for purchasing and distributing backyard composting bins, hosting backyard composting workshops, education outreach, and any other projects that promote and develop food waste reduction through backyard composting. 	https://files.nc.gov/ncdeq/Environmental%20Assistance%20and%20Customer%20Service/Financial%20Assistance%20-%20Local%20Government/Backyard-Composting-Grant-RFP.pdf
N.C. Gen. Stat. § 105-164.13, 105-164.3(241)	<p>Title: Exemptions and Exclusions: Retail Sales and Use Tax</p> <p>Summary: Provides a sales and use tax exemption when procuring recycling equipment.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ N.C. General Statute 105-164.13 outlines qualifying purchases, which include equipment, fuel, piped natural gas, and electricity purchased by recyclers. ■ <i>Secondary metals recycler</i> is defined in N.C. General Statute 105-164.3(241) as an individual that “gathers and obtains . . . metals . . . and products that have served their original economic purpose and that converts them.” According to the North Carolina Department of Revenue, the phrase in italics expands coverage to recyclers of any material.⁵² 	https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_105/GS_105-164.13.html https://www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_105/gs_105-164.3.html
15A N.C. Admin. Code 13B.1501; N.C. Gen. Stat. § 105-275(8)	<p>Title: Standards for Special Tax Treatment of Recycling and Resource Recovery Equipment and Facilities</p> <p>Summary: Provides a tax exemption per N.C. Gen. Stat. § 105-275(8) for equipment and facilities used solely for resource recovery and recycling.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Exempt facilities include resource recovery buildings; equipment used for obtaining material or energy resources from solid waste; and facilities used to collect, sort, or otherwise prepare solid waste for reuse or recycling. 	https://files.nc.gov/ncdeq/Waste%20Management/DWM/SW/Field%20Operations/Tax%20Certification/SW%20Tax%20Cert%20.1500%20Rules.pdf https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_105/Article_12.pdf
Recycling Business Assistance Center	<p>Title: Recycling Business Assistance Center</p> <p>Summary: Connects businesses with resources for supporting operations, including tax incentives, research on recycling markets, and one-on-one technical assistance.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Offers a listing of loan programs that are offered through external sources, which may support materials management businesses. 	https://deq.nc.gov/conservation/recycling/recycling-business-assistance-center

Tennessee Food Waste Policy Gap Analysis

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Organics Disposal Bans and Recycling Laws	No Policy Tennessee currently has no organics disposal ban for food waste, and no financial incentive structure to encourage food donation or food 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. 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	Weak Policy Tennessee regulations require date labels on shellfish and ready-to-eat/temperature control for safety (TCS) foods. ⁵³ They also restrict the past-date donation of ready-to-eat/TCS foods. Tennessee does not have a standardized dual date labeling system in place and does not distinguish between date labels that are quality based and those that are safety based.	<ul style="list-style-type: none"> ■ Establish guidelines expressly allowing the donation or the freezing of food after the quality-based date and educate businesses about donation. ■ Remove prohibition on offering milk past the sell-by date. ■ Launch education campaigns and guidance documents that promote consumer awareness and education on the meaning of date labels. ■ Align any updates to date labeling policy with federal guidance.
Food Donation Liability Protections	Moderate Policy Tennessee provides liability protection for donors and distributors of food offered for free and includes a presumption of good faith. However, liability protections do not cover donations that are eventually supplied for a small fee.	<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"> □ Liability protection for donations sold at a low price by distributing nonprofits.
Tax Incentives for Food Rescue	No Policy Tennessee offers no tax deductions or credits for the donation of food. However, the legislature passed a resolution in 2016 to encourage donation of excess food. ⁵⁴	<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. Tennessee may be considering such a policy as an economic development opportunity that also combats food insecurity.
Organics Processing Infrastructure Permitting	Moderate Policy Tennessee has a regulatory tier for organics processing, including an exemption for small-scale processors of food waste and similar material. It also has exemptions for small-scale and/or community composting operations. ⁵⁵ However, it currently has no regulations for anaerobic digestion of solid waste.	<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. ■ Ensure that permitting requirements are kept up-to-date with best practices for composting. ■ Bolster the market for finished compost by enacting procurement requirements for commercial developers and/or government agencies (e.g., mandatory consideration of a bid for use of compost).

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Food Safety Policies for Share Tables	Weak Policy Although Tennessee encourages the adoption of share tables in schools, the state provides no resources or guidance on food donation safety. ⁵⁶	<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 rescue through share tables and other methods.
Food Systems Plans, Goals, and Targets	No Policy Although some cities have created food systems plans, no regional or statewide food systems plans exist. ⁵⁷	<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 those targets. ■ Support regional plans, which provide the opportunity to set goals and targets for supporting food systems and promoting wasted food reduction strategies.
Plans Targeting Solid Waste	Strong Policy Tennessee has a current solid waste management plan that outlines waste diversion goals and recommendations for achieving these targets, including management of organic materials such as food waste. ⁵⁸ The state has also developed a document compiling recommendations for best practices to address wasted food in Tennessee.	<ul style="list-style-type: none"> ■ Continue to develop and maintain existing plans to outline incremental goals and steps toward furthering organics diversion. ■ Develop a program and infrastructure to measure current diversion efforts across the state. Use data collected to support recommendations for other policy development. ■ 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 No climate action goals exist.	<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 task specific departments with actionable next steps for moving policy forward. ■ In the absence of legislation and/or executive orders, further incorporate food waste reduction into existing sustainability initiatives. ■ Local climate action goals and plans can be passed to draw the connection between emission reductions and reducing food waste and to advance local efforts.
Grants and Incentive Programs Related to Food Waste Reduction	Moderate Policy Tennessee provides free technical assistance and grants for food loss and waste prevention or promotion of food rescue. ⁵⁹ However, insufficient funding caused these programs to lapse during the COVID-19 outbreak.	<ul style="list-style-type: none"> ■ Increase funding for existing efforts to mitigate potential impacts on programming during external economic events. ■ Reinstate funding as soon as possible to maintain these programs.

Tennessee Food Waste Policy Inventory

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

There are no organics disposal bans or recycling laws in Tennessee currently. However, the Department of Environment and Conservation developed a 2015–2025 Solid Waste and Materials Management Plan that includes an objective to increase the diversion of organics. Additional information about this plan is included in the section Plans Targeting Solid Waste. Tennessee has also supported organic waste reduction with Organics Management Grants for counties, municipalities, nonprofits, and for-profit businesses.⁶⁰

Citation	Summary & Key Elements	Source
Tennessee Department of Environment and Conservation, 2015–2025 Solid Waste and Materials Management Plan	<p>Title: 2015–2025 Solid Waste and Materials Management Plan</p> <p>Summary: The plan updated the 1991 Solid Waste Management Plan to adopt the concept of sustainable materials management. Of its eight objectives, Objective 4 focuses on increasing the diversion of organics to encourage the reuse, composting, and beneficial use of organics and on implementing source reduction efforts.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ The plan identifies strategies to achieve this objective, including: <ul style="list-style-type: none"> □ Encouraging residents and businesses to reduce food waste through increased information sharing; □ Expanding infrastructure for organics collection, processing, and end use; □ Adopting composting and organics recovery strategies at state facilities; □ Supporting commercial and institutional entities with on-site processing through technical and financial assistance as well as regulatory support; □ Updating composting and organics recovery regulations; and □ Considering a future disposal ban for organic materials as infrastructure becomes more robust. <p>Additional detail is provided in the Plans Targeting Solid Waste section below.</p>	<p>https://www.tn.gov/content/dam/tn/environment/solid-waste/documents/solid-waste/sw_2025-plan-final.pdf</p>

DATE LABELING

Tennessee currently requires date labels for two food items: shellfish and “ready-to-eat, time/temperature control for safety (TCS) foods.” TCS foods may not be sold or donated after the labeled date.

Citation	Summary & Key Elements	Source
Tenn. Comp R. & Regs. § 1200-23-01.03, 0080-04-09.03	<p>Title: Food Service Establishment; Retail Food Store Sanitation</p> <p>Summary: Outlines requirements for date marking and packaging for shellfish.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Raw, shucked shellfish must be obtained in nonreturnable packages bearing a legible label that identifies the sell-by or best-if-used-by date for packages with a capacity of less than 1.89 liters, or the date shucked for packages with a capacity of 1.89 liters or more. Containers with less than 64 ounces of fresh, fresh frozen, or previously frozen shellfish must have clearly legible and conspicuous sell-by date labels. 	<p>Food Service Establishment: https://publications.tnsosfiles.com/rules/1200/1200-23/1200-23-01.20180404.pdf</p> <p>Retail Food Store Sanitation: https://publications.tnsosfiles.com/rules/0080/0080-04/0080-04-09.20170628.pdf</p>

Citation	Summary & Key Elements	Source
Tenn. Comp R. & Regs. § 1200-23-01.03	<p>Title: Food Service Establishment</p> <p>Summary: Outlines requirements for date marking for “ready-to-eat” TCS foods.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ With some exceptions, refrigerated, ready-to-eat TCS foods held in an establishment for more than 24 hours must be marked to indicate the date or date by which the food must be consumed on the premises, sold, or discarded, based on certain time and temperature specifications. ■ With some exceptions, refrigerated, ready-to-eat TCS foods prepared and packaged by a food processing plant must be clearly marked, at the time the original container is opened in a food establishment and if the food is held for more than 24 hours, to indicate the date or day by which the food must be consumed on the premises, sold, or discarded based on certain time and temperature specifications. ■ The day or date marked by the food establishment may not exceed a manufacturer’s use-by date if the manufacturer determined the use-by date based on food safety. 	<p>Food Service Establishment:</p> <p>https://publications.tnsosfiles.com/rules/1200/1200-23/1200-23-01.20180404.pdf</p>

FOOD DONATION LIABILITY PROTECTIONS AND TAX INCENTIVES FOR FOOD RESCUE

There are no state-level tax incentives for food donation that go beyond federal incentives. There is extra liability protection, both criminal and civil, for the donation of wholesome food fit for human consumption.

Citation	Summary & Key Elements	Source
Tenn. Code Ann. § 53-13-101-103	<p>Title: Liability of Free Food Distributors</p> <p>Summary: There is liability protection, both criminal and civil, for donors and distributors of donated food to charities or nonprofit organizations or directly to an individual for personal use.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ “Apparently wholesome food” is defined as food that meets agricultural and health standards but may not be saleable due to factors such as appearance, age, freshness, etc. Foods in damaged cans are excluded from this definition. ■ Any donor or gleaner who donates wholesome food is not subject to criminal penalty or civil damages that may come from the condition of the donated food. ■ Any nonprofit or charitable organization that receives wholesome food and distributes it is not subject to criminal penalty or civil damages that may come from the condition of the food donated. ■ This protection is null for both donors and distributors if there is an injury that resulted from gross negligence, recklessness, or intentional misconduct of the donor or distributor. ■ This protection also covers the donation of deer meat that is fit for human consumption. 	<p>Chapter Definitions: Tenn. Code Ann. § 53-13-101</p> <p>Immunity of good-faith donor or gleaner from liability: Tenn. Code Ann. § 53-13-102</p> <p>Immunity of distributing organization from liability: Tenn. Code Ann. § 53-13-103</p>
HJR 0514, 109th Gen. Assemb. (2016 Tenn.)	<p>Title: Resolution to Encourage Donation of Excess Food</p> <p>Summary: Encourages state agencies and their contractors to donate excess, wholesome food to nonprofit organizations that help food-insecure people in the state.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Numerous Tennessee families face food insecurity and would be helped by donations of excess food. ■ Donations made in good faith are protected from civil and criminal liability by the federal Bill Emerson Good Samaritan Food Donation Act, and by Tennessee law. 	<p>https://www.capitol.tn.gov/Bills/109/Bill/HJR0514.pdf</p>

Citation	Summary & Key Elements	Source
Tenn. Code Ann. §§ 44-2-402, 404	<p>Title: Feeding Garbage to Swine</p> <p>Summary: Garbage can be fed to swine under certain conditions.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> Garbage is defined as animal or plant waste resulting from the handling, preparation, cooking, or consumption of foods, including animal and fowl carcasses. This does not include bakery waste, whey, or other dairy waste. Garbage must be processed in a manner that is approved by the commissioner of agriculture. Individuals may feed garbage from their own households to their own swine. 	<p>Definitions: Tenn. Code Ann. § 44-2-402</p> <p>When feeding garbage to swine is allowed: Tenn. Code Ann. § 44-2-404</p>

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

The Tennessee Department of Environmental Conservation (TDEC) has not updated its organics processing infrastructure permitting regulations since its new composting rules were adopted in 2016. The 2016 rule grouped organic wastes into three types, and then further broke them down into three tiers depending on the potential risk they pose for human and environmental health. New exemptions were adopted for sites composting 100 cubic yards (cy) or less per year of food scraps or similar material using an in-vessel composting method, or 50 cy/year or less using other methods (windrows, aerated static piles, etc.). Operations outside the exempt practices are required to get a permit. TDEC’s Solid Waste Management Division does not have regulations for anaerobic digestion of solid waste but will consider adopting AD-specific rules if the need arises. TDEC reports that the current exemption for food scraps composting (50 cy/year for outdoors; 100 cy/year for in-vessel) has adequately covered all community gardens and community composting facilities and also enables small-scale composters to “get their feet wet” before they scale up.

Food waste can be fed to swine, with some exceptions as to what constitutes food waste.

Citation	Summary & Key Elements	Source
Chapter 0400-II-01. Sec. II (Adopted July 2016)	<p>Title: Requirements for Compost and Composting Facilities 0400-II-01-.II</p> <p>Summary: Rule establishes procedures, documentation, and other requirements that must be met to operate a composting facility or offer compost for sale in the state.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> Three feedstock categories are identified: <ul style="list-style-type: none"> Type 1: Source-separated yard trimmings, woody material, crop residues, and other materials determined to pose a low level of risk to human health and the environment, including from physical contaminants and human pathogens. Type 2: Agricultural residuals, source-separated organics, and food processing residuals and industrial by-products determined to pose a low level of risk to human health and the environment despite having more physical contaminants and human pathogens than Type 1 feedstocks. Type 3: Mixed solid waste, diapers, sewage sludge, biosolids, and industrial by-products and food processing residuals not covered in Type 2 determined to pose a low level of risk to human health and the environment despite having more physical contaminants and human pathogens than Types 1 and Type 2 feedstocks. Three composting facility tiers are identified: <ul style="list-style-type: none"> Tier 1 may process only Type 1 materials. Tier 2 may process only Type 1 and Type 2 materials. Tier 3 may process Types 1, 2, and 3 materials. There are no maximum limits on the quantity of feedstock that can be processed at Tier 2 and Tier 3 facilities. Uses the U.S. Composting Council Model Compost Rule Template term “contact water” instead of “leachate” (which, in Tennessee, has more stringent management requirements not associated with composting operations, says TDEC).⁶¹ <i>Contact water</i> is defined as water that has come in contact with raw feedstocks in the tipping and mixing area(s) and active composting piles. 	<p>http://www.getfoodsmarttn.com/content/page/act-schools/</p>

Citation	Summary & Key Elements	Source
<p>Chapter 0400-II-01. Sec. 11 (Adopted July 2016) <i>Continued</i></p>	<ul style="list-style-type: none"> ■ Contact water must be reused in the process or otherwise properly managed as per all applicable laws and rules. ■ Facilities must follow a composting facility operations plan—reviewed and approved as part of the permit application—that describes operational procedures (methods and practices) to comply with the intent of regulations to protect human health and the environment and not create nuisances. This includes measures to control nuisance odors, vectors, fires, contact water, and stormwater; provisions for the annual maintenance of composting pads; and provisions for prompt equipment repair or replacement when needed. ■ A facility operations manager or a person responsible for day-to-day operations must document training in the basics of compost facility operations within the first year of supervising the facility. ■ By the end of each operating day, all incoming feedstocks at Tier 2 and Tier 3 facilities must be processed into the active composting pile, transferred to leakproof containment, or mixed with bulking material and covered in a manner that minimizes nuisance odors and scavenging by vectors. ■ Specifications for pad surfaces for feedstock receiving and active composting are in the rules’ Design & Operating Standards section for each tier. ■ TDEC requires compost sampling at a frequency determined by the quantity of material composted. Facilities must file an annual report that includes total quantity and type of feedstock received that year, total quantity of compost produced during the year covered by the report; total quantity of compost removed for use or disposal, and the market(s) or permitted disposal facility(s). ■ Exemptions from permitting apply to backyard composting; animal and crop production operations that compost yard trimmings, agricultural residuals, mortalities, woody materials, and/or food scraps generated on site on their own or leased property, with compost used on the site only; and any composting facility with a throughput of less than 400 cy of Type 1 feedstock during any calendar year. ■ Also exempt are any composting facility with a throughput of less than 50 cy of Type 2 feedstock from off-site sources during any calendar year, and any composting facility with a throughput of less than 100 cy of Type 2 feedstock from off-site sources in any calendar year using an in-vessel composting method. This is used primarily for small-scale food scrap composting. 	<p>https://publications.tnsosfiles.com/rules/0400/0400-II/0400-II-01.20200908.pdf</p>

FOOD SAFETY POLICIES FOR SHARE TABLES

There are no regulations or guidance on establishing share tables, but Get Food Smart Tennessee, a collaboration between the Tennessee Department of Environment and Conservation and the Tennessee Governor’s Office, encourages schools to establish share tables. Several schools have done so.⁶²

Citation	Summary & Key Elements	Source
<p>Get Food Smart Tennessee Act: Schools</p>	<p>Title: Get Food Smart Tennessee Act: Schools</p> <p>Summary: To reduce food waste, Get Food Smart Tennessee encourages schools to establish share tables.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Does not provide any guidance on safety but encourages schools to check with the local health department for share table rules. 	<p>http://www.getfoodsmarttn.com/content/page/act-schools/</p>

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

No statewide food systems plans exist for Tennessee. However, a tristate coalition across Arkansas, Mississippi, and Tennessee has developed a plan promoting healthy food access and the regional food economy across 15 counties in the three states. In addition, the town of Humboldt worked with the EPA on a plan to develop the local food community, and Nashville invested in a study to determine how to better support community food while promoting equity in food access.

Citation	Summary & Key Elements	Source
<p>East Arkansas Planning and Development District and Memphis–Shelby County Office of Sustainability, Delta Roots: The Mid-South Regional Food System Plan (May 30, 2015)</p>	<p>Title: Delta Roots: The Mid-South Regional Food System Plan</p> <p>Summary: This tristate regional food system assessment is aimed at promoting healthy food access and the local food economy.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Identifies regional strategies across Arkansas, Tennessee, and Mississippi to improve investment in food business growth, food access, and sustainability. ■ The region has a very low concentration of small farms, so the plan encourages support for produce and specialty crop farmers while simultaneously supporting low-income consumers. ■ Goals include: <ul style="list-style-type: none"> □ Family-sustaining income from specialty crops, livestock, and local food processing. □ Ensuring that individuals of all income levels have access to, and choose, fresh and healthfully preserved local produce. □ Waste recovery for productive reuse throughout the food system. 	<p>http://d2mhm2wtn4batk.cloudfront.net/wp-content/uploads/Mid-South-Food-System-Report-FINAL.pdf</p>
<p>U.S. EPA Office of Sustainable Communities, Local Foods, Local Places: Community Action Plan for Humboldt, Tennessee (December 2017)</p>	<p>Title: Local Foods, Local Places: Community Action Plan for Humboldt, Tennessee</p> <p>Summary: Action plan created through the EPA's Local Foods, Local Places program promotes local food systems, in concert with healthy communities.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Strategic plan focuses on four goals: <ul style="list-style-type: none"> □ Launch a farmers market to expand food access. □ Start a community garden to encourage youth and senior involvement. □ Leverage benefits of local food projects to revitalize the downtown area. □ Develop local food and health planning collective to support and educate the community on food systems. 	<p>https://www.ams.usda.gov/sites/default/files/media/LFLPHumboldtTN.pdf</p>
<p>Crossroads Resource Center, Metro Nashville Food System Assessment (March 2017)</p>	<p>Title: Metro Nashville Food System Assessment</p> <p>Summary: Compiles data and interviews on the food system in Nashville to recommend specific strategies to build a community-based food system.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Goals include: <ul style="list-style-type: none"> □ Building greater coordination among food system entities to help strengthen the existing community, including by hiring a community foods coordinator in the Mayor's Office. □ Raising the visibility of community foods in Nashville and investing in community foods. □ Ensure equity in food access through support and funding. □ Coordinating food purchases across agencies and school districts to reduce food-purchasing costs, and directing investment into local farms and processors. 	<p>https://www.crcworks.org/nashville17.pdf</p>

PLANS TARGETING SOLID WASTE

As noted in the Organic Disposal Bans and Recycling Laws section, Tennessee currently has a 10-year Solid Waste and Materials Management Plan that highlights a variety of opportunities in the state to support materials management efforts, including organic waste reduction. Since the development of that plan, the state has released specific recommendations for addressing food waste upstream of composting. It also convened a multi-sector stakeholder meeting to define the role that TDEC may play in supporting organic waste reduction and to support Objective 4 of the current Solid Waste and Materials Management Plan.⁶³ Additionally, it is notable that TDEC maintains a Policy and Guidance Manual that is used as a compendium of policies and practices established at the department over the years.⁶⁴

Citation	Summary & Key Elements	Source
<p>Tennessee Department of Environment and Conservation, 2015–2025 Solid Waste and Materials Management Plan</p>	<p>Title: 2015–2025 Solid Waste and Materials Management Plan</p> <p>Summary: The plan updated the 1991 Solid Waste Management Plan to adopt the concept of sustainable materials management and establish objectives for solid waste management over the 10-year planning period.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ This plan outlines the Department of Environment and Conservation’s vision, which includes: <ul style="list-style-type: none"> □ Fostering a robust collection and processing infrastructure and strong recycling economy; □ An increased focus on approaching waste with a framework for adopting sustainable materials management strategies; and □ Local government engagement to meet materials management goals. ■ Objective 4 focuses on increasing the diversion of organic materials, highlighting a variety of methods to do so (see details in Organics Disposal Bans and Recycling Laws section, above). ■ Objective 6 highlights an initiative to increase education and outreach for waste reduction, recycling, and composting. ■ Objective 8 targets the development of sustainable sources for funding materials management strategies, such as increasing municipal solid waste (MSW) tipping fee surcharges, alternative funding sources, and exploration of options for local program funding. <p>Additional detail is provided in the Organics Disposal Bans and Recycling Laws table.</p>	<p>https://www.tn.gov/content/dam/tn/environment/solid-waste/documents/solid-waste/sw_2025-plan-final.pdf</p>
<p>Tennessee Department of Environment and Conservation, Southeastern State Efforts to Address Wasted Food and Food Waste Upstream of Composting</p>	<p>Title: Southeastern State Efforts to Address Wasted Food and Food Waste Upstream of Composting</p> <p>Summary: The TDEC Offices of Sustainable Practices and Policy and Planning developed this document to outline recommendations to reduce, rescue, and redirect food waste in Tennessee.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Recommendations in the document include: <ul style="list-style-type: none"> □ Showcasing existing tools that support quantification of food waste; □ Creating educational materials and guidance documents around topics of wasted food; □ Drafting sample language to support stakeholders in adopting waste reduction goals and policies; □ Coordinating workshops for stakeholders focused on wasted food prevention and reduction; □ Showcasing success stories of entities that excel at waste reduction; □ Developing a forum to support the exchange of excess food; □ Evaluating opportunities for state-specific food donation laws; □ Consideration of opportunities to coordinate food labeling within the state; and □ Providing grant opportunities to support these efforts. 	<p>https://www.tn.gov/content/dam/tn/environment/solid-waste/documents/materials-management/sw-mm-organics-policyguide.pdf</p>

Citation	Summary & Key Elements	Source
<p>Tenn. Code Ann. § 68-211-801 et. seq.</p>	<p>Title: Solid Waste Management Act of 1991</p> <p>Summary: This act establishes a policy for the state to maintain a solid waste management program and to promote waste reduction.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Requires that planning regions achieve a 25 percent reduction in MSW by July 1, 1994. ■ Engages local governments in solid waste management planning, requiring a minimum 10-year capacity for disposal, active work toward the 25 percent waste reduction goal, and existence of collection infrastructure. ■ Encourages establishment of technical assistance programs to support local government and private organizations in waste reduction. ■ Creates a Solid Waste Management Fund to support waste reduction, recycling, composting, and household hazardous waste programs. Revenue is generated through a MSW disposal surcharge and a fee on tire disposal. Further, the act empowers the state to designate a portion of available funds to grants for the University of Tennessee to provide technical assistance for municipalities. ■ Section 68-211-806 empowers Tennessee State University and Middle Tennessee State University to research and develop methods for using materials in solid waste as raw materials to create jobs, business, and compost. 	<p>https://law.justia.com/codes/tennessee/2014/title-68/environmental/chapter-211/part-8</p>
<p>Tenn. Code Ann. § 68-211-901 et. seq.</p>	<p>Title: Solid Waste Authority Act of 1991</p> <p>Summary: Authorizes the creation of regional solid waste program authorities.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Authorities established under Part 9 (Solid Waste Authority Act) possess autonomy to consolidate, expedite, or streamline services as an additional tool to implement requirements of the Solid Waste Management Act. ■ Unlike planning boards, Part 9 authorities can: <ul style="list-style-type: none"> <input type="checkbox"/> Sue or be sued; <input type="checkbox"/> Acquire property and exercise eminent domain; <input type="checkbox"/> Enter into contracts; <input type="checkbox"/> Incur debt; <input type="checkbox"/> Hire employees or agents; and <input type="checkbox"/> Establish tipping fees and surcharges. 	<p>https://law.justia.com/codes/tennessee/2010/title-68/chapter-211/part-9/</p>

CLIMATE ACTION GOALS

The Tennessee Department of Health acknowledges that climate change has an impact on public health.⁶⁵ However, the state’s leadership has focused on individual environmental policies and strategies as opposed to cohesive climate action goals. Therefore, there are currently no carbon emissions reduction goals that can be specifically leveraged to support food waste prevention activities.

The Department of Environment and Conservation maintains a Sustainable Practices webpage that highlights a few of the initiatives it is undertaking to support sustainable community and economic development goals, including the Clean Tennessee Energy Grant Program.⁶⁶ TDEC’s voluntary Tennessee Green Star Partnership program showcases manufacturers that are committed to sustainability; those practicing waste reduction would be excellent candidates.⁶⁷ Additionally, TDEC’s Tennessee Sustainable Hospitality initiative promotes a sustainability road map for hospitality businesses that includes energy and water conservation, recycling and waste reduction, food waste reduction, communication and education, and greening the supply chain.⁶⁸ Their resources for addressing wasted food include this reduction guide.⁶⁹

GRANTS AND INCENTIVE PROGRAMS RELATED TO FOOD WASTE REDUCTION

Tennessee typically offers a variety of funding opportunities and technical assistance to support food waste reduction in the state. Due to the global pandemic, many of these funding initiatives have been paused for FY 2021.

Citation	Summary & Key Elements	Source
<p>Tennessee Department of Environment and Conservation, Office of Policy and Sustainable Practices–Technical Assistance</p>	<p>Title: Get Food Smart</p> <p>Summary: Provides free technical assistance to organizations in the state to support food waste reduction.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Support includes: <ul style="list-style-type: none"> □ Coordinating and hosting workshops; □ Engaging stakeholders to plan for reducing food waste; □ Planning food waste audits; □ Developing strategies to reduce food waste; □ Creation of standard operating procedures; and □ Training for on-site composting programs. 	<p>http://getfoodsmarttn.com/content/page/technical-assistance</p>
<p>Tennessee Department of Agriculture, Agricultural Enterprise Fund</p>	<p>Title: Agricultural Enterprise Fund</p> <p>Summary: This program is designed to support the governor’s priorities for economic development and job creation in Tennessee by facilitating agricultural development.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Funding categories include projects that result in: <ul style="list-style-type: none"> □ Increased farm income; □ Increased access to markets; □ Increased capacity; and/or □ Agricultural innovation. ■ Projects must be based in Tennessee and run by an entity within the state, including farmers, businesses, local governments, or nonprofits. ■ Available funding provides up to 25 percent of the project budget, and there is no cap on awards per applicant. 	<p>https://www.tn.gov/agriculture/businesses/aef.html</p>
<p>Tennessee Department of Environment and Conservation, Organics Management Grants</p>	<p>Title: Organics Management Grants</p> <p>Summary: Provides funding for local government, nonprofit recycling organizations, and private businesses to acquire equipment for reduction, recovery, donation, and processing of organic material. Priority is given to counties, municipalities, public institutions, and nonprofit organizations.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ In 2019, priority was given to projects with a public–private partnership; public entities offering new or expanded services; and initiatives that offer education or divert food through recovery, donation, animal feed, industrial uses, anaerobic digestion, or composting. ■ Funding of up to \$749,000 per project was available, with a 10–50 percent match requirement. Total funding budgeted in 2019 was \$3 million. ■ Funding was not available for FY 2021 due to the COVID-19 pandemic. 	<p>https://www.tn.gov/environment/program-areas/solid-waste/materials-management-program/grants-administration.html</p>

<p>Tennessee Department of Environment and Conservation, Education and Outreach Grant</p>	<p>Title: Education and Outreach Grant</p> <p>Summary: Provides funding for county and city governments, solid waste authorities, school districts, universities, and nonprofit organizations to offer education about recycling and waste diversion.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ A total of \$1 million was available in FY 2018–2019, with recipients allowed up to \$50,000 per site. ■ Proposed programs should align with Objective 6 of the 2015–2025 Solid Waste and Materials Management Plan (increasing education and outreach for waste reduction, recycling, and composting). ■ Requires a match of 10–50 percent. ■ Prioritizes public–private or public–public partnerships that target an adult audience. ■ Funding was not available for FY 2021 due to the COVID-19 pandemic. 	<p>https://www.tn.gov/environment/program-areas/solid-waste/materials-management-program/grants-administration.html</p>
<p>Tennessee Department of Environment and Conservation, Waste Reduction Grants</p>	<p>Title: Waste Reduction Grants</p> <p>Summary: Offer funding to nonprofit recycling organizations, county and city governments, and solid waste authorities to establish or improve collection or processing operations or to prepare materials for transport and marketing.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Equipment that can be purchased with funds includes chippers, grinders, waste-to-energy devices, forklifts, recycled content roll carts with RFID tags, and more. ■ In FY 2018–2019, the state budgeted \$3 million in funding for these projects. A 10–50 percent match requirement was required, and award maximums were based on community population. ■ Funding was not available for FY 2021 due to the COVID-19 pandemic. 	<p>https://www.tn.gov/environment/program-areas/solid-waste/materials-management-program/grants-administration.html</p>
<p>Tennessee Department of Environment and Conservation, Measurement Grant</p>	<p>Title: Measurement Grant</p> <p>Summary: Provides funding to county and city governments, solid waste authorities, private entities, and nonprofit recycling organizations to support purchase of measurement equipment for state reporting requirements.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Preference is given to applicants in a variety of categories, including recovered materials processing facilities, landfills, and transfer stations that are unable to comply with reporting requirements, as well as solid waste regions not meeting the 25 percent waste reduction goal. ■ Funding can be used for measurement equipment, software, computers, and monitoring devices. ■ Up to \$500,000 was budgeted for this grant in 2018; up to \$25,000 was awarded per grant, with a 10–50 percent match required. ■ Does not fund equipment covered by the Recycling Equipment Grant. ■ Funding was not available for FY 2021 due to the COVID-19 pandemic. 	<p>https://www.tn.gov/environment/program-areas/solid-waste/materials-management-program/grants-administration.html</p>

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

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