

To Congress:

We write to you today to discuss the issue of food insecurity and food waste in the United States. During the coronavirus pandemic, levels of food insecurity increased dramatically: In 2021, an unprecedented 42 million people were estimated to have experienced food insecurity.¹

At the same time, \$408 *billion* is spent processing, transporting, storing, and disposing of food that's never eaten each year, meaning *millions* of pounds of fresh food goes to waste.²

The issue is not so much lack of food—it's the inability to effectively leverage our food system to get food where it serves its most beneficial purpose. In 1996, Congress passed the bipartisan Federal Bill Emerson Good Samaritan Food Donation Act (42 U.S. Code § 1791), which was designed to encourage companies to donate their surplus food and grocery products to nonprofits. While the act provides civil and criminal liability protection to food donors and food recovery organizations, some parts of it are unclear. So many food manufacturers, retailers, farmers, and restaurants still cite fear of liability as one of the main reasons they don't donate.

That is why we, the undersigned companies and nonprofits, urge you to support the bipartisan Food Donation Improvement Act of 2021 (S.3281/H.R.6251), which would help increase food donation and reduce food waste by updating long-standing food donation liability protections. Enactment of this legislation would help a wider number of organizations to donate and rescue surplus food in three key ways:

- It extends liability protections to food that is sold at an extremely discounted price (i.e. food sold at a social supermarket) as current law only protects food donations where the end participant receives food free of charge.
- It extends liability protections to certain direct donations made by qualified donors directly to those in need. Current law only covers donations to nonprofits, which creates an unnecessary barrier for grocers, restaurants, school food authorities, and other organizations looking to donate food directly to those in need.
- It directs USDA to clarify the quality and labeling standards that donated food products must meet to be eligible for liability protection.

Additionally, **the Food Donation Improvement Act of 2021 has bicameral, bipartisan support.** It was introduced by Senators Blumenthal and Toomey in the Senate and

¹ "Hunger in America Is Growing." *Feeding America*, www.feedingamerica.org/hunger-in-america.

² "Roadmap to 2030: Reducing U.S. Food Waste by 50% and the ReFED Insights Engine" *ReFED*. https://refed.com/uploads/refed_roadmap2030-FINAL.pdf

Representatives McGovern, Pingree, Newhouse, and Walorski in the House. At the time of writing, the bill is co-sponsored by Representatives Keller, Reschenthaler, Wild, Hayes, Norton, Brown, and Stansbury, as well as Senator Braun.

We believe that passing the Food Donation Improvement Act of 2021 is a crucial step toward making food security a reality, and we urge members of Congress to consider supporting the bill, as well as prioritizing its passing. Thank you for your attention, and we welcome the opportunity to collaborate with you on this important issue.

The undersigned companies and nonprofit organizations include:

WW International, Inc.

New York, NY

Harvard Law School Food Law and Policy Clinic

Cambridge, MA

Grubhub

Chicago, IL

Ahold Delhaize USA

Salisbury, NC

Beyond Hunger

Oak Park, IL

Blue Apron

New York, NY

Bread for the World

Washington, DC

ButcherBox

Boston, MA

Center for EcoTechnology

Pittsfield, MA

City Harvest

New York, NY

Clean Memphis

Memphis, TN

DC Central Kitchen

Washington, D.C.

Denver Mayor's Office

Denver, CO

Dole Packaged Foods, LLC

Westlake Village, CA

Eat Just, Inc.

San Francisco, CA

Environmental Health and Food Safety

Memphis, TN

Farmers Fridge

Chicago, IL

Farmstead

Burlingame, CA

Food for Climate League

Chicago, IL

Food For Free

Cambridge, MA

Food Recovery Network

Washington, D.C.

Food Rescue US - Detroit

Detroit, MI

Food Rescue US

Stamford, CT

Food Tank

Baltimore, MD

Goodr

Atlanta, GA

Greater Cincinnati Regional Food Policy Council
Cincinnati, OH

Hunger Network Food Rescue
Cleveland, OH

Hellmann's
Englewood Cliffs, NJ

Hope's Harvest
Providence, Rhode Island

Illinois Environmental Council
Springfield, IL

Impossible Foods
Redwood City, CA

Institute for Local Self-Reliance
Washington, DC

JEE Foods
Hamilton, Ohio

Just Salad
New York, NY

Keep Austin Fed
Austin, TX

The Kroger Co.
Cincinnati, Ohio

Make Food Not Waste
Detroit, MI

Misfits Market
Delanco, NJ

Midwest Food Bank
Normal, IL

Natural Resources Defense Council

New York, NY

Northern Virginia Food Rescue

Manassas, VA

Our Daily Bread Soup Kitchen and Social Center

Cincinnati, OH

Panera Bread

St. Louis, MO

Rescuing Leftover Cuisine

New York, NY

Rethink Food

New York, NY

Share My Meals

Princeton, NJ

Second Servings of Houston

Houston, TX

Too Good To Go

New York, NY

Unilever United States

Englewood Cliffs, NJ

We Don't Waste

Denver, CO

Your Store of the Queen City

Cincinnati, OH