

WW, Grubhub, 71 Others Release Open Letter to Congress to Fight Food Waste and Insecurity

In partnership with the undersigned companies and organizations, both the House and Senate have introduced bills that address two of the three major concerns outlined in the original open letter ([S.3281](#), [H.R.6251](#)). As a result, the open letter has been updated to specifically address the Food Donation Improvement Act of 2021, as well as display the increase in organizations and companies who have given their support. More below:

- The updated open letter calls on Congress to pass the Food Donation Improvement Act of 2021 You can find the original open letter [here](#).
- The 73 signatories, which are corporate partners, nonprofits, school districts, cities, and mayor's offices, include Harvard Law School Food Law and Policy Clinic, Panera Bread, City Harvest, and more. You can find the Food Donation Improvement Act open letter [here](#).

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.

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

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 Representatives McGovern, Pingree, Newhouse, and Walorski in the House. At the time of writing, the bill is co-sponsored by Representatives Reschenthaler, Wild, Brown, Keller, Hayes, Norton, Stansbury, Maloney, Panetta, Salazar, Gottheimer, Velazquez, Veasey, Meng, Lee, Kuster, Case, Dean, Jackson, Espaillat, Casten, Malinowski, McBath, Bass, Fitzpatrick, McKinley, Stefanik, Blumenauer, Wilson, Chu, Hinson, Cherfilus-McCormick, Payne, Sewell, Auchincloss, Titus, Luria, Krishnamoorthi, Levin, Bishop, Aguilar, and Kim, as well as Senators Braun, Booker, Casey, and Gillibrand.

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

Bowery Farming

New York, NY

Brass Roots

New Orleans, LA

Bread for the World

Washington, DC

ButcherBox

Boston, MA

Careit

Burbank, CA

Center for EcoTechnology

Pittsfield, MA

The City of Chicago

Chicago, IL

City Harvest

New York, NY

Clean Memphis

Memphis, TN

COOMER

Lexington, KY

Concordia College-Moorhead

Moorhead, MN

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

Farmer's Fridge
Chicago, IL

Farmstead
Burlingame, CA

Food for Climate League
Chicago, IL

The Food Depot
Santa Fe, NM

Food For Free
Cambridge, MA

Food Link
Arlington, MA

Food Recovery Network
Washington, D.C.

Food Rescue US - Detroit
Detroit, MI

Food Rescue US
Stamford, CT

Food Tank
Baltimore, MD

Global Cooking School, LLC
Deland, FL

Goodr
Atlanta, GA

Grace Klein Community
Birmingham, AL

Greater Cincinnati Regional Food Policy Council
Cincinnati, OH

The Hope Center for College, Community, and Justice
Philadelphia, PA

Hunger Network Food Rescue
Cleveland, OH

Hellmann's
Englewood Cliffs, NJ

Hope's Harvest
Providence, Rhode Island

Illinois Environmental Council
Springfield, IL

Instacart
San Francisco, CA

Impossible Foods
Redwood City, CA

Institute for Local Self-Reliance
Washington, DC

JEE Foods
Hamilton, OH

Just Food of Douglas County
Lawrence, KS

Just Salad
New York, NY

Keep Austin Fed
Austin, TX

The Kroger Co.
Cincinnati, OH

Lineage Logistics

Novi, MI

Los Gatos Union School District

Los Gatos, CA

Lovin' Spoonfuls

Boston, MA

Make Food Not Waste

Detroit, MI

Misfits Market

Delanco, NJ

Midwest Food Bank

Normal, IL

Midwest Food Connection

Minneapolis, MN

Natural Resources Defense Council

New York, NY

New Wave Foods

San Francisco, CA

Northern Virginia Food Rescue

Manassas, VA

Our Daily Bread Soup Kitchen and Social Center

Cincinnati, OH

Panera Bread

St. Louis, MO

Peninsula Food Runners Organization

San Francisco, CA

Replate

San Francisco, CA

Rescuing Leftover Cuisine

New York, NY

Rethink Food

New York, NY

Share My Meals

Princeton, NJ

Saving Grace Perishable Food Rescue

Omaha, NE

Second Servings of Houston

Houston, TX

Too Good To Go

New York, NY

Unilever United States

Englewood Cliffs, NJ

Upcycled Food Association

Greenwood Village, CO

We Don't Waste

Denver, CO

Your Store of the Queen City

Cincinnati, OH