

COMMENTARY

The wave of the future

Reducing food waste, reducing hunger, protecting the environment

By Gerard V. Mantese
and Theresamarie Mantese

There is a growing recognition that persistent hunger can partially be alleviated with the tremendous amount of food waste in our country and world. In February 2016, France became the first country in the world to pass a law restricting the amount of edible excess food that supermarkets can throw away. Shortly thereafter, Italy launched a law which makes it legally easier for companies to donate unsold food. Other countries such as the United States and the United Kingdom are still struggling with how to deal with hunger in their countries by addressing the enormous amount of food waste.

In 1996, Congress enacted the federal Bill Emerson Good Samaritan Food Donation Act, which encourages donation of food and grocery products to nonprofit organizations for distribution to individuals in need. It provides certain legal protections to those who donate. Unfortunately, the statute has had little effect in curtailing food waste in this country.

Research shows that while there is an abundance of food produced in the U.S. every year, a significant amount of this wholesome, healthy, and safe food ends up in businesses' dumpsters, making its way to landfills. In a partnership between the Harvard Law School Food Law and Policy Clinic and the Natural Resources Defense Council, the authors reported that 40 percent of the food produced in the U.S. each year goes uneaten, resulting in at least 62.5 million tons of wasted food annually. See, *"Don't Waste, Donate — Enhancing Food Donations Through Federal Policy,"* March 2017.

The amount of food waste in the U.S. has been on the rise for the past several decades, with per capita food loss increasing by 50 percent from 1974 to 2005. At the same time, 42.2 million individuals, including 13.1 million children, were food insecure in 2015, meaning that at some point during

the year they lacked access to a sufficient amount of food to lead an active, healthy lifestyle. Diverting safe, edible food from the waste stream to food insecure individuals can significantly reduce food waste, while also playing a role in hunger relief efforts. See *"Don't Waste, Donate,"* supra. As noted in the Harvard study, food waste also causes serious health issues in our landfills as food comprises the greatest single component of landfills, and also contributes to the rise of greenhouse methane gasses. *Id.*, p. 4.

In Michigan, hunger and food waste are just as grim as throughout the nation. Forgotten Harvest reports that in Macomb, Oakland and Wayne counties, one in five children live in poverty. In the tri-county area, 500,000 people, including nearly 200,000 children, live in poverty and 4 million households in Michigan live at risk of hunger. A study by West Michigan Sustainable Business Forum (WMSBF) also reported that Michigan disposes of an estimated 1.1 million tons of food waste through its municipal waste stream each year. This source of food waste is the single largest source of material disposed of in the state's landfills and waste-to-energy facilities. WMSBF also reports that West Michigan disposes of an estimated 132,000 tons of food waste, while Southwest Michigan disposes of an estimated 106,000 tons of food waste. Nationally, the USDA estimates that as much as 40 percent of food purchased ends up as waste.

At present, most food waste initiatives are voluntarily undertaken by businesses in Michigan. For example, to promote food recovery among local businesses and reduce food waste in landfills, the WMSBF received a seed grant from the Michigan Local Food Council Network for the assembly of a new multidisciplinary council, which will consist of food waste stakeholders in the West Michigan area.

The council will be facilitated by WMSBF in partnership with GreenMichigan.org and the Department of Hospitality and Tourism Management at Grand Valley State University. WMSBF's goal in forming the West Michigan Food Recovery Council is to eliminate the stream of food waste flowing into landfills by exploring and implementing recovery options. The council, whose founding members include representatives from (among others)

Meijer, Cocoa, SpartanNash, Grand Rapids Public Schools, and Gordon Food Service, will provide education, networking, technical resources, and opportunities to collaborate.

While local voluntary initiatives are important, a legislative initiative in the form of a Food Waste statute like California's approach is advisable. California's approach to food waste is interesting because it focuses on the environmental issues associated with food waste. California's law, SB 1383 (West's Ann.Cal. Health & Safety Code § 39730.5), establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy. The bill codifies the California Air Resources Board's Short-Lived Climate Pollutant Reduction Strategy.

SB 1383 establishes targets to achieve a 50-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75-percent reduction by 2025. The law grants California's Department of Resources Recycling and Recovery the regulatory authority to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

Alternatively, another effective way to eliminate the problem of food waste in Michigan is to make it mandatory for food producers to donate a certain percentage, perhaps 10 percent, of their excess food instead of disposing of it. The authors of this article have drafted such proposed legislation and sent it to all Michigan state senators and representatives, with several expressing interest in its passage. To review this proposed legislation, please visit: <http://manteselaw.com/Food%20Waste%20Bill.pdf>

The next step is to initiate strong legislative incentives to change how food waste is managed in Michigan. In view of persistent hunger in our society, the tremendous amount of food waste, and the deleterious environmental effects of flooding our landfills with food, doing nothing is not an option.

Gerard V. Mantese and Theresamarie Mantese are attorneys at Mantese Honigman PC in Troy.