

California Good Samaritan Food Donation Act of 2017

Decreasing Food Waste and Food Insecurity in California

Overview

One in eight Californian residents faces food insecurity¹, yet 40% of the food in the United States is wasted before consumption⁴. To increase food donation and thus address both food waste and insecurity, Congress passed the Bill Emerson Good Samaritan Food Donation Act of 1996 and Consolidated Appropriations Act of 2016; these provide liability protections and an enhanced tax benefit for companies who donate food.¹⁵ However, many Californian retailers still cite the fear of liability as their top reason for not donating unsold food to pantries or food banks.³

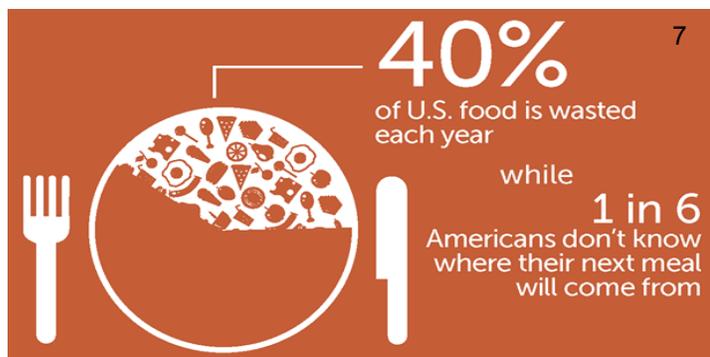
Policy Recommendation

The California Good Samaritan Food Donation Act will increase food donation by expanding and clarifying protections for

Food Waste

The CA Good Samaritan Food Donation Act targets food waste at the retail level. Here, waste occurs because of damaged packaging, unclear purchase dates, bruises, or blemishes.⁵

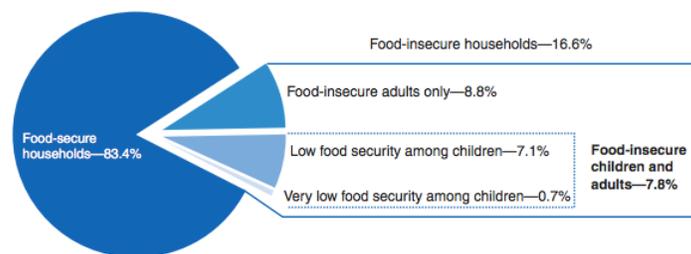
While not all of food waste is safe to eat, recovering only 5% of the food waste in the United States would feed an additional 4 million Americans every day.⁶



Food Insecurity

According to the United States Department of Agriculture, food insecurity is characterized by “disrupted eating patterns and reduced food intake”, and is linked to poverty.⁹ In California alone, 5.4 million people are food insecure.¹

U.S. households with children by food security status of adults and children, 2015



Source: USDA, Economic Research Service using data from U.S. Department of Commerce, U.S. Census Bureau, 2015 Current Population Survey Food Security Supplement.

Of the 42 million food insecure Americans, the elderly, children, and single-parent homes are disproportionately represented.¹¹ For these vulnerable populations food insecurity can have effects ranging from poor school performance¹² to higher rates of non-communicable diseases and rising healthcare costs.¹³

Bill Emerson Good Samaritan Food Donation Act of 1996

The Bill Emerson Good Samaritan Food Donation Act is a federal law that protects businesses that donate “apparently wholesome food” from civil and criminal liability.²

Shortcomings of the Emerson Act

- “Gross Negligence” leading to liability may include food donated directly to an end user or past its sell-by date
- Any food that does not meet packaging and labeling standards must be modified to meet these standards by the recipient nonprofit
- Lack of public knowledge regarding available protections and enhanced tax benefits

Increasing Protections Through the California Good Samaritan Food Donation Act

The CA Good Samaritan Food Donation Act addresses the gaps in current protections.¹⁴

Legislative Effects

- **Protects persons and organizations who donate food to end users from civil and criminal liability**
- **Protects products that have passed their “sell by”, “best by”, or “use by” dates but are still safe for human consumption**
- **Eliminates the requirement for nonprofit organizations to relabel or package products that do not meet labeling standards**
- **Increases public awareness about protections and incentives to increase food donation**
- **Lays out plan for implementation, in which health inspectors inform food distributors and retailers about their protections and incentives**

Its legislative effects will lead to increased food donations from retailers with unsold products. By using systems that are already in place¹⁴, this policy increasing the ease with which food retailers can donate in a politically feasible and affordable manner. Donors, recipients, and the public alike will benefit from the effects that this legislation has through increasing food donation.

Food Recovery in the Community⁶

- **Save businesses money otherwise spent on trash collection and disposal fees**
- **Provide wholesome food to needy families**
- **Help communities and businesses meet state and local waste reduction goals**
- **Help sustain local industries and jobs**

Conclusion

It is unacceptable that in a nation with so much food waste, nearly a fifth of the nation does not have reliable food access. To bridge the gap between food waste and insecurity, California must encourage food redistribution by increasing liability protection for donors and public awareness of the incentives for food donation.

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