

# SENATE BILL REPORT

## E2SHB 1114

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As of April 9, 2019

**Title:** An act relating to reducing the wasting of food in order to fight hunger and reduce environmental impacts.

**Brief Description:** Reducing the wasting of food in order to fight hunger and reduce environmental impacts.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Doglio, Slatter, Fey, Peterson, Ryu, Fitzgibbon, Tharinger, Jinkins, Macri and Walen).

**Brief History:** Passed House: 3/09/19, 96-0.

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 3/21/19, 4/02/19 [DPA-WM].

Ways & Means: 4/05/19.

### Brief Summary of Amended Bill

- Establishes a goal of reducing food waste in the state by 50 percent by 2030, relative to 2015 levels.
- Directs the Department of Ecology to consult with the departments of Health and Agriculture to develop a wasted food reduction and food waste diversion plan by 2020.
- Requires the Department of Commerce to contract for an independent evaluation of the state's food waste and wasted food management system.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, McCoy, Rolfes and Short.

**Staff:** Karen Epps (786-7424)

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### SENATE COMMITTEE ON WAYS & MEANS

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Jed Herman (786-7346)

**Background:** Solid Waste Management. Local governments are responsible for preparing comprehensive solid waste management plans and managing solid waste collection and disposal, with oversight and guidance provided by the Department of Ecology (Ecology). Ecology evaluates, analyzes, and monitors the solid waste stream. As part of this effort, collectors of solid waste must annually report to Ecology on the types and quantities of waste they collect, and the locations where they deliver that waste. Ecology's solid waste stream analysis must incorporate specified types of information and evaluations, including the waste generation and recycling rates for different waste categories, potential rates of solid waste reduction, and solid waste technologies. In developing their solid waste stream evaluation, Ecology must prioritize the evaluation of categories of waste that comprise a comparatively large volume of the solid waste stream, or that present a risk of harm to human health.

Donors of food to nonprofit organizations that distribute food to needy individuals are generally protected from civil or criminal liability under state law. Similarly, persons who allow the collection or harvest of food for distribution to needy individuals are generally protected from civil or criminal liability.

Waste Reduction, Recycling, and Litter Control. The Waste Reduction, Recycling, and Litter Control Act (Act), dating to 1971, prohibits littering and establishes statewide programs to prevent and clean up litter, reduce waste, and increase recycling. A tax is imposed on businesses whose products, including the packaging, wrapping, and containers, are reasonably related to the litter problem in the state. Of the funds from the litter tax, 50 percent is for use by Ecology and other state agencies for litter collection programs, 20 percent goes to local governments for waste reduction, litter control, and recycling activities, and the remaining 30 percent of the funds go to Ecology for waste reduction and recycling efforts.

Food Safety. The Washington State Department of Agriculture (WSDA) inspects and analyzes food products; inspects food processing, handling, and storage establishments and practices; inspects dairy farms and plants; inspects eggs for quality and weight standards; sets and enforces sanitary standards for egg graders; inspects refrigerated locker plants; inspects custom farm slaughterers, custom meat facilities, and licenses; and supervises dairy technicians. The WSDA Food Safety Program:

- protects and reduces public health risk by assuring safety of the state's food supply;
- facilitates the movement of Washington agricultural products in domestic and international markets; and
- issues export certificates of sanitation and free sale for food products manufactured in Washington State.

The Washington State Board of Health (Board) establishes, by rule, minimum standards for the prevention of food-borne illness. The Board's rules are based on the 2001 Food Code, which is a model code adopted by the United States Food and Drug Administration. Local jurisdictions may adopt more stringent standards than the ones adopted by the Board.

**Summary of Amended Bill:** Wasted Food and Food Waste Goal. A goal is established for Washington to reduce the annual generation of food waste by 50 percent by 2030. A subset

of the goal is to include a prevention goal related to edible food waste. The state food waste reduction goal is to be measured against 2015 food waste levels, which Ecology may estimate using any combination of solid waste data reported to Ecology and data from surveys and studies measuring wasted food and food waste in other jurisdictions.

Wasted Food and Food Waste Diversion Plan. In order to achieve the 2030 food waste reduction goal, the Ecology must consult with WSDA and the Department of Health (DOH) to adopt a wasted food reduction and food waste diversion plan (plan). The plan must include strategies to prevent and reduce wasting edible food; to match and support the capacity for otherwise wasted edible food with food banks and other distributors to those who need it; and to support other productive uses, such as animal feed, energy production, commercial uses, and compost.

The plan must be designed to recommend a regulatory environment that optimizes the rescue of edible food and a stable, predictable funding environment that allows for capacity expansion and new technologies. The plan must also:

- avoid placing regulations on the hunger relief system;
- provide state technical support to wasted food prevention and rescue and food waste recovery organizations;
- support the development and distribution of materials to support food waste and wasted food educational efforts in K-12 schools;
- facilitate and encourage restaurants and other retail food establishments to donate prepared food to food banks and food assistance programs; and
- suggested best practices that local governments may incorporate into solid waste management plans.

Ecology must consult stakeholders and the public throughout the development of the plan, and the Ecology may designate a stakeholder advisory panel. If the Ecology designates a stakeholder advisory panel, the panel must include representatives of local solid waste and health departments, food businesses or associations, K-12 public education, and food banks and food and waste-focused nonprofit organizations. Ecology must identify the sources of information that it relied upon in developing the plan, including peer-reviewed science. To support the development of the plan, the Department of Commerce must contract for an independent evaluation of the state's food waste and wasted food management systems.

As part of the plan, Ecology, WSDA, and DOH must consider recommended changes to state law that would help achieve the 2030 goals, and must explain those recommendations in a report to the Legislature due on December 1, 2020. Ecology must also include recommended changes to food quality, labeling, and inspection requirements under the liability provisions relating to food donation and any changes in laws relating to the donation of food waste or wasted for animals. Prior to implementing the plan, the report must outline a process for making regulatory changes to support activities, programs, or policies in the plan that would impose new obligations on state agencies, local governments, businesses, or citizens, along with estimated cost impacts.

Wasted Food and Food Waste Programs and Funding. Programs that collect food waste, in addition to yard waste, are identified as source separation strategies that may be implemented by cities and counties in their solid waste collection plans. A city or county may include the

food waste and wasted food reduction strategies from the plan in their local solid waste plan. Programs to reduce wasted food and food waste are among the local government programs eligible to be funded from the litter tax revenues. Wasted food reduction and food waste diversion are also added to the Ecology's waste reduction, recycling, and litter control program responsibilities funded by litter tax revenues.

**EFFECT OF AGRICULTURE, WATER, NATURAL RESOURCES & PARKS COMMITTEE AMENDMENT(S):**

- Requires Ecology, when recommending changes to state law, to also include recommended changes to food quality, labeling, and inspection requirements under the liability provisions relating to food donation and any changes in laws relating to the donation of food waste or wasted food for animals.
- Removes legislators from the stakeholder panel assisting Ecology with its food waste reduction plan development responsibilities.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Engrossed Second Substitute House Bill (Agriculture, Water, Natural Resources & Parks):** *The committee recommended a different version of the bill than what was heard.* PRO: Anywhere from 25 to 40 percent of the food that is grown and produced in this state is wasted and yet one in five children are food insecure. In Washington, one in eight adults face food insecurity and senior citizens are the fastest growing population served by our state's food banks and meal programs. This bill will put in place better practices and incentives for food donations. This bill includes a capacity assessment of the charitable hunger response system which will help to create a systemic plan to build capacity across the network of hunger relief organizations. There are a number of different regulatory agencies that deal with food donations and conflicting codes need to be resolved. This bill will reduce food waste and encourage the donation of wholesome food. Globally, food waste is the third largest emitter of greenhouse gases behind China and the United States. This bill will reduce greenhouse gases and also conserve water. The production of food that is not eaten represents 25 percent of all the water consumed in the United States. Food waste is consistently one of the largest items by weight found in the solid waste stream. Inedible food currently going to the landfill can be put in compost to replenish our soils. This bill will build a more formal partnership and bring additional creative approaches to the reduction of food waste. Funding this program from the litter tax is appropriate. This bill will encourage the diversion of edible foods to programs that serve the hungry and direct food waste into animal feeds or composting, which will reduce environmental impacts. This bill will provide more choices and a greater variety of food options at food banks.

**Persons Testifying (Agriculture, Water, Natural Resources & Parks):** PRO: Representative Beth Doglio, Prime Sponsor; Linda Nageotte, CEO and President, Food Lifeline; Jan Gee, Washington Food Industry Association; Heather Trim, Zero Waste Washington; Phyllis Farrell, League of Women Voters; Robert Coit, Thurston County Food Bank; Julie Robertson, Washington State Department of Ecology; Lynn Fitzhugh, Executive Director, One Sustainable Planet.

**Persons Signed In To Testify But Not Testifying (Agriculture, Water, Natural Resources & Parks):** No one.

**Staff Summary of Public Testimony on the Bill as Amended by Agriculture, Water, Natural Resources & Parks (Ways & Means):** PRO: The bill creates an incentive to reduce waste. We have collaborative programs that are community based. Our food bank serves 22 percent of the county population. The bill would help turn a waste into a resource. It will be a game changer. We support bringing the litter tax back to serving its original intention.

**Persons Testifying (Ways & Means):** PRO: Robert Coit, Thurston County Food Bank; Aaron Czyzewski, Food Lifeline; Jan Gee, Washington Food Industry Association.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.