



THE GLOBAL FOOD DONATION POLICY ATLAS



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Supported by





Today's Discussion

- Overview of the Atlas Project
- Methodology
- Exploring the Online Platform
- Comparing Findings from the First 5 Countries
 - USA, Canada, Mexico, India, Argentina
- The Future of Atlas
- Strengthening Food Donation During COVID-19

*separate presentation to follow



WHAT'S THE ISSUE?

An estimated **1.3 billion tons of food** is lost or wasted globally and more than **820 million people** suffer from hunger.



A CRITICAL SOLUTION

is to adopt **clear** and **comprehensive** laws and regulations for food donation.



We Teamed Up with GFN

TO IDENTIFY AND ANALYZE

National laws related to food donations and the most common legal barriers in 15 countries.

TO CREATE

- **Legal guides:** provides an overview of the frameworks most relevant to food donation
- **Policy recommendations:** highlights opportunities to fill gaps
- **Executive summaries:** synthesizes major findings
- **Interactive map:** easily compares policies across countries

Methodology



Select country with
input from GFN



Connect with
in-country food
bank organizations
and ask them to
partner



Conduct extensive
legal & policy
research



Visit country
& interview
stakeholders



Consult with
in-country legal
experts & partners



CANADA

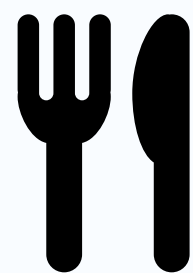
The FLPC team met with the Daily Bread team in Canada in November 2019.



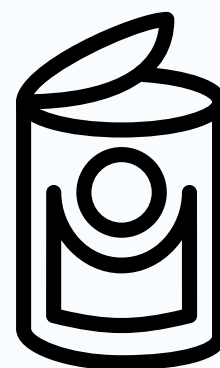
ARGENTINA

In June 2019, the FLPC team visited La Plata Food Bank in Argentina.

Legal Issues



Food Safety



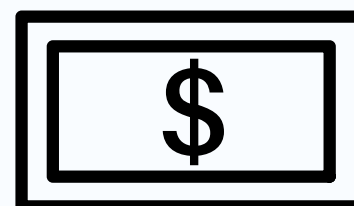
Date Labeling



Liability



Tax Incentives
& Barriers

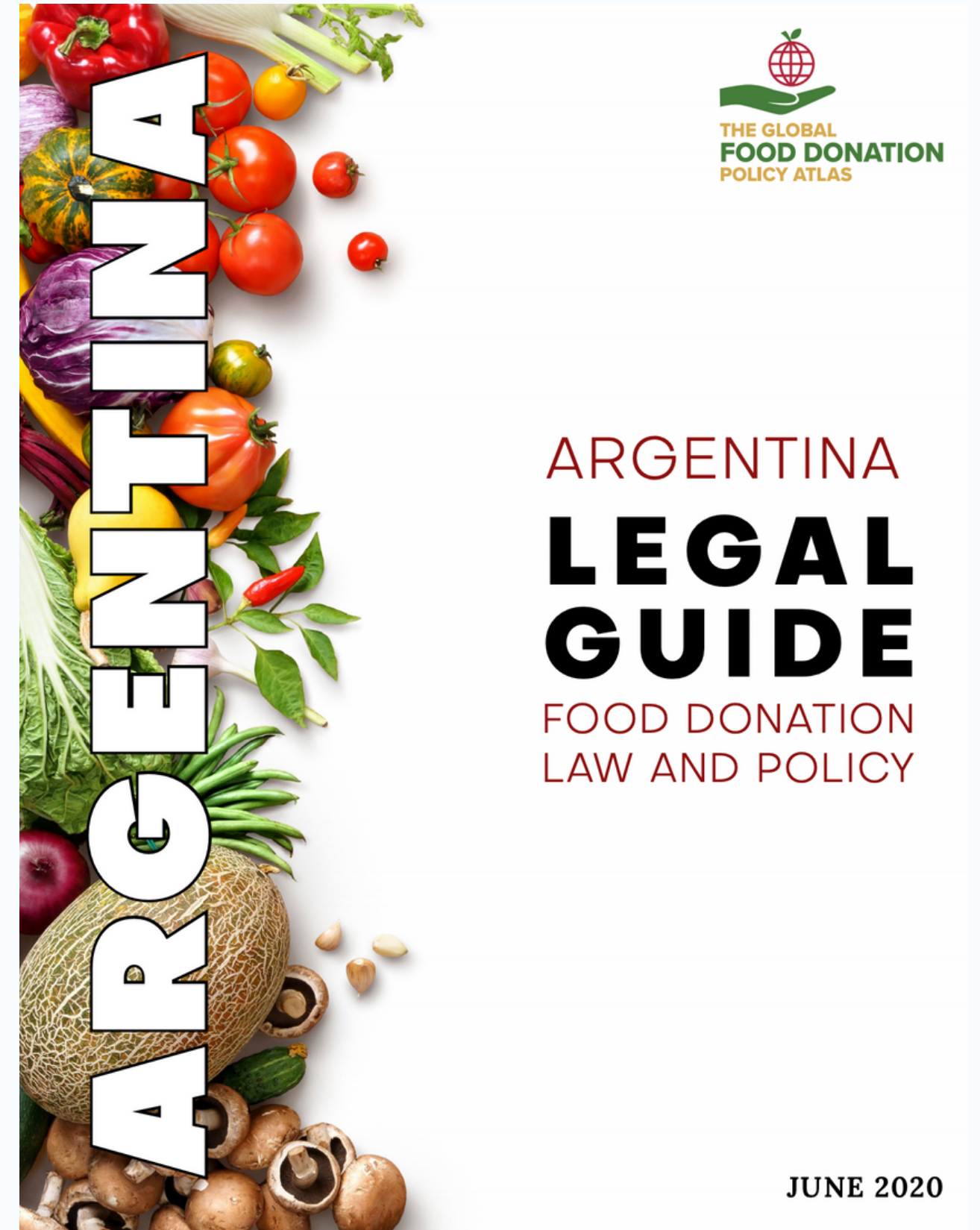
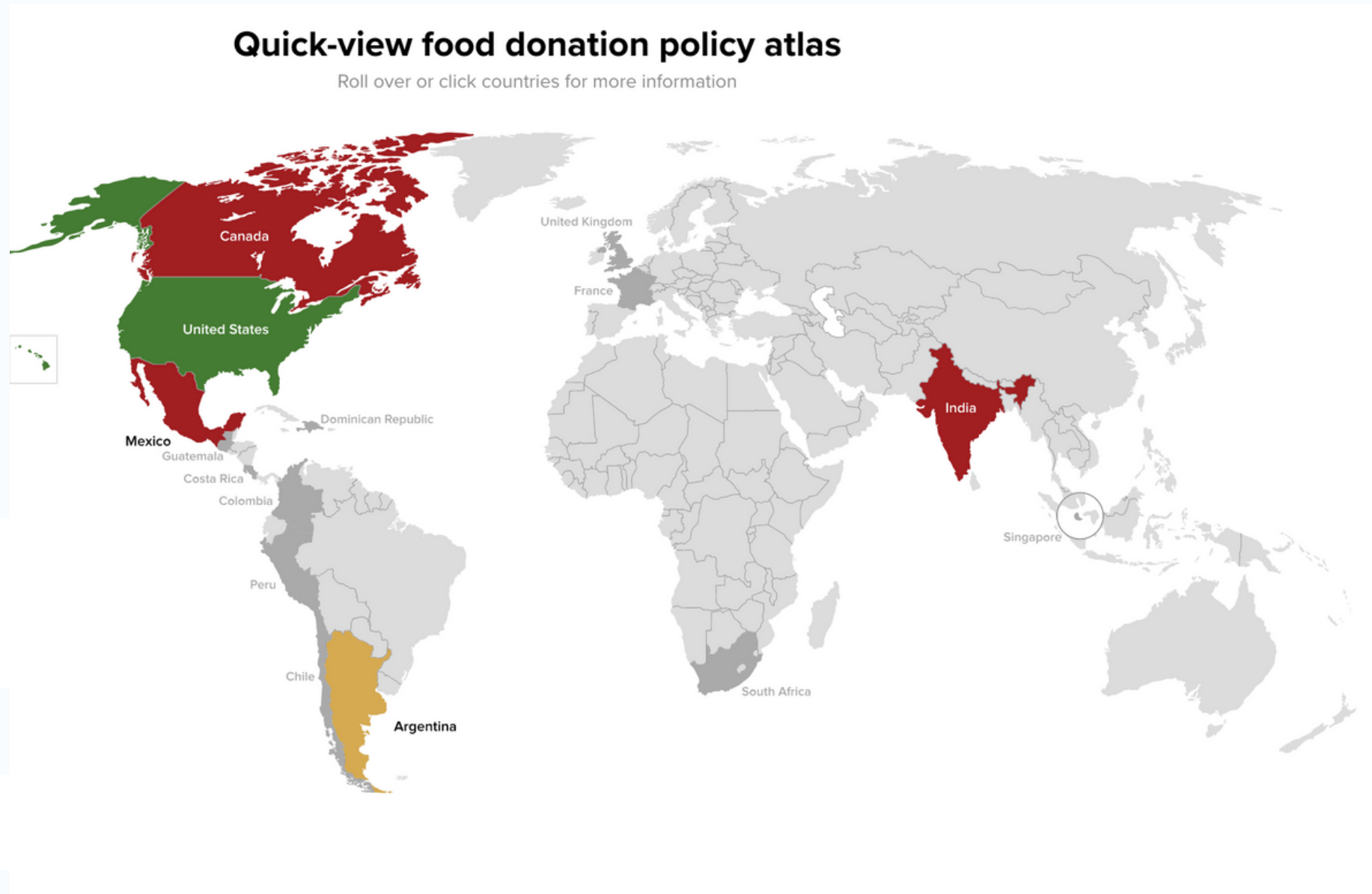


Requirements
& Penalties



Govt. Grants
& Incentives

The Deliverables





[Atlas](#)

[Library](#)

[About](#)

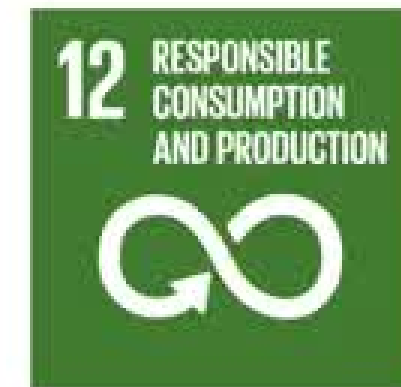
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[COVID-19](#)

Mapping the barriers to food donation

Every year, an estimated **1.3 billion tons of food is lost or wasted** globally. At the same time, more than **820 million people suffer from hunger** around the world. Food donation offers a critical solution to this troubling paradox, as it redirects safe, surplus food away from landfills to those who need it most. Unfortunately, most countries lack supportive laws and policies that enable food donation to reach its full impact.

The Global Food Donation Policy Atlas provides a first-of-its-kind look at the current state of food donation laws and policies in [participating countries](#) along with country-specific policy recommendations for strengthening food recovery efforts. The project includes the [Quick-view atlas](#), which visually compares the food donation policy landscape across countries, and the [Library](#) of country-by-country executive summaries, legal guides, and policy recommendations.



Legal frameworks that promote greater food donation are essential to achieving the **UN Sustainable Development Goals**.

Food Safety

Policy Area

Food safety for donations

Date labeling

Liability protection for food donations

Tax incentives

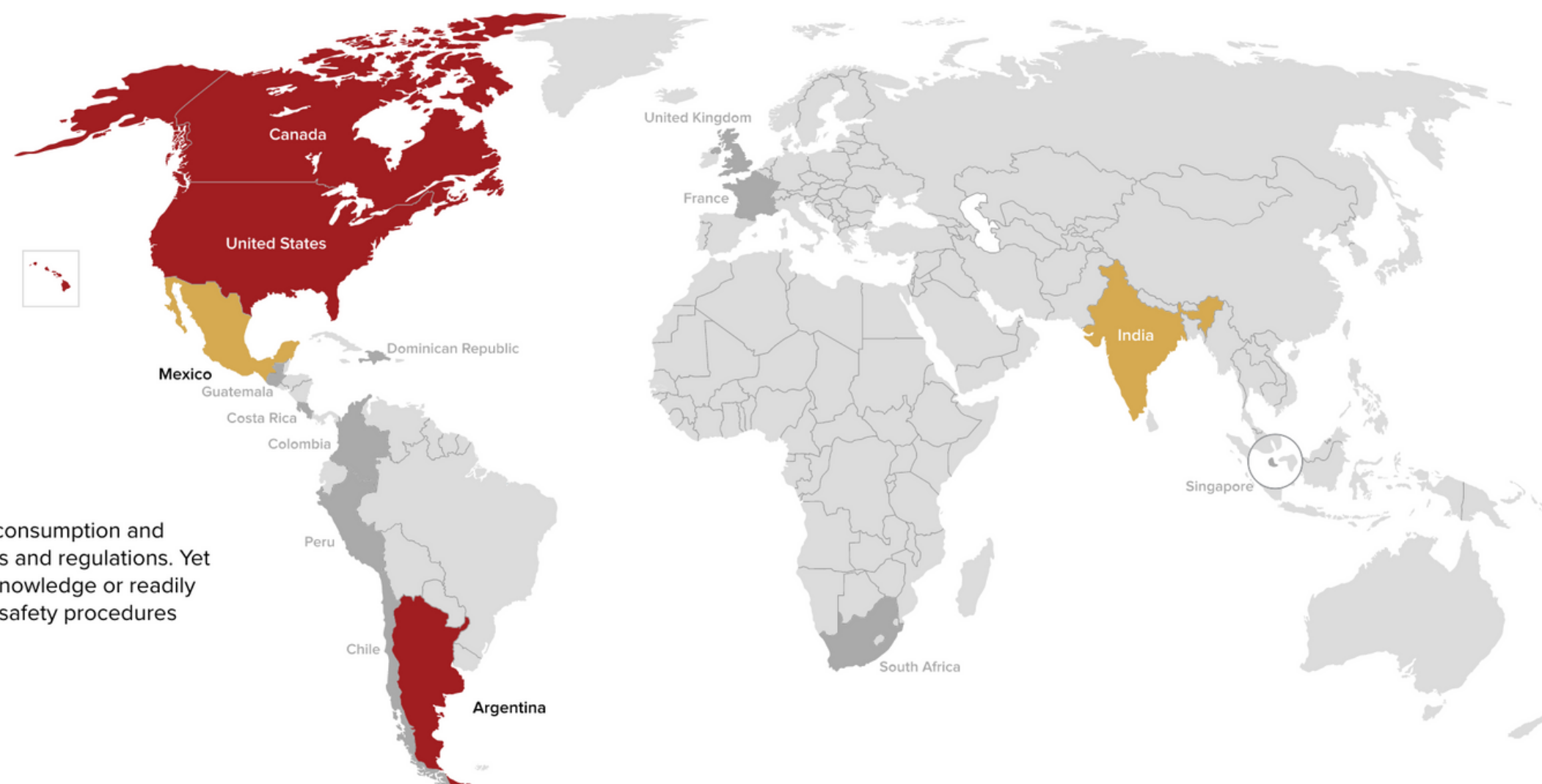
Tax barriers

Donation requirements or food waste penalties

Gov't grants and incentives

Food safety for donations

All donated food should be safe for consumption and comply with relevant food safety laws and regulations. Yet in many countries there is a lack of knowledge or readily available guidance as to which food safety procedures apply to donations.



Food Safety

- No policy:** Food safety laws and regulations do not reference food donation.
- Weak policy:** Food safety laws and regulations offer sporadic reference to food donation but offer no clear guidance.
- Strong policy:** Food safety laws and regulations streamline and promote food donation through clear, distinct requirements and guidance for food donors and recovery organizations.

Spotlight: India

Food Safety

- In 2019, established Regulations for the Recovery and Distribution of Surplus Food:
 - Explicitly states that food may be donated and set specific safety, handling, and distribution requirements for donated food

Recommendation (1 of 3)

- Amend India's Food Safety and Standards Act to feature a donation-specific section



FLPC team visited India in Jan. 2020

Liability Protection

Policy Area

Food safety for donations

Date labeling

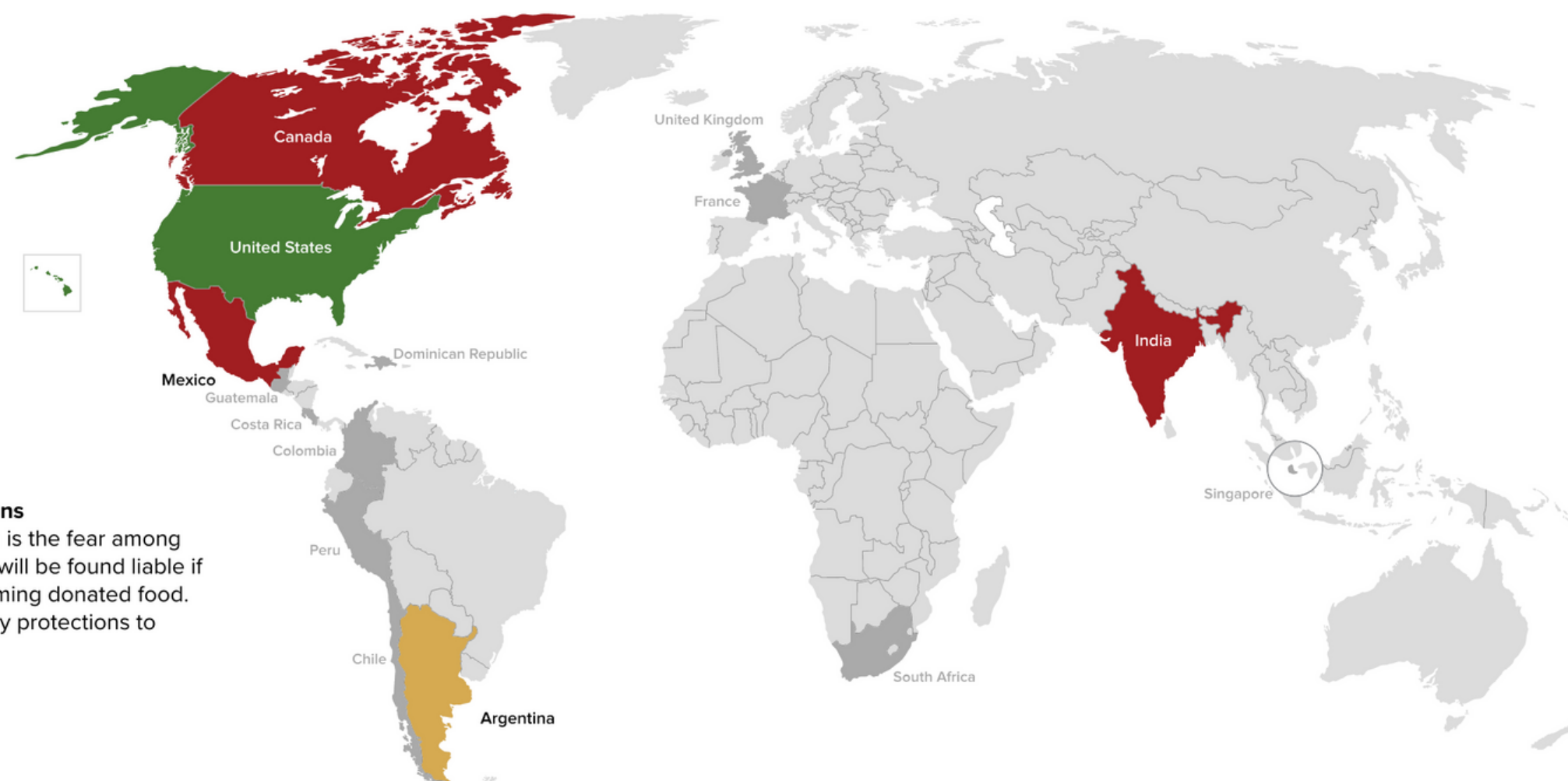
Liability protection for food donations

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Liability protection for food donations

A significant barrier to food donation is the fear among donors and intermediaries that they will be found liable if the final recipient falls ill after consuming donated food. Some countries have adopted liability protections to mitigate this concern.

Liability Protection

- **No policy:** No law offers liability protection for donors and food recovery organizations.
- **Weak policy:** Law provides liability protection, but is not fully inclusive of all donation models (see below).
- **Strong policy:** Law provides liability protection and the following apply:
 - protections are available for both food donors and food recovery organizations
 - protections available for donation or distribution of past-date
 - protections available for alternative models of food donation

Spotlight on Liability Protection

United States

Since 1996, the Bill Emerson Good Samaritan Food Donation Act (Emerson Act) has provided comprehensive liability protections against both civil and criminal lawsuits for food donors and recovery organizations.

Argentina

Argentina amended the Food Donation Law in 2018 to include a new liability protection provision, contained in Article 9 of the Food Donation law. It extends to food donors and recovery organizations that receive and equitably distribute free donations of food to those in need.



Tax Incentives

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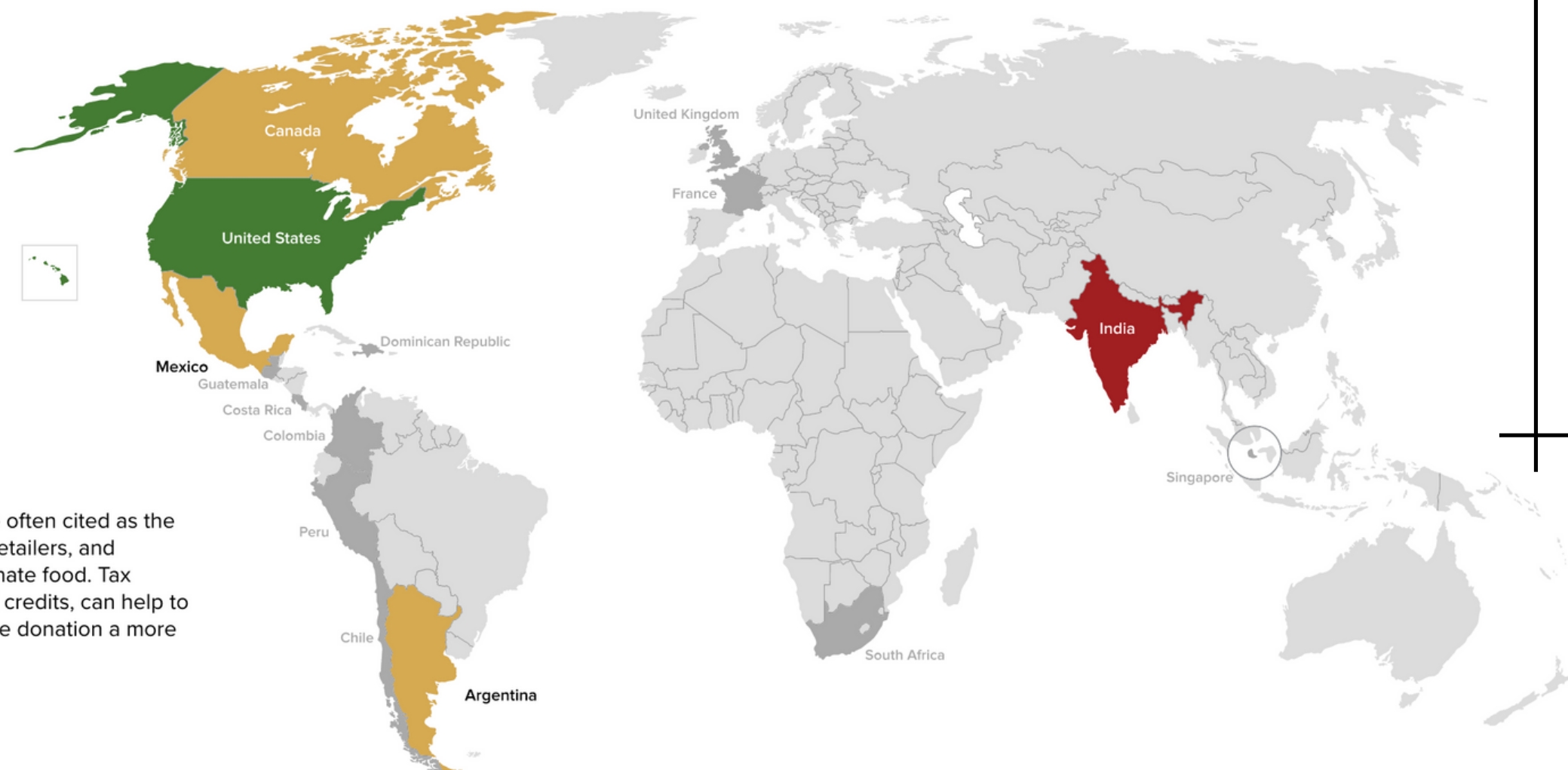
Tax barriers

Donation requirements or food waste penalties

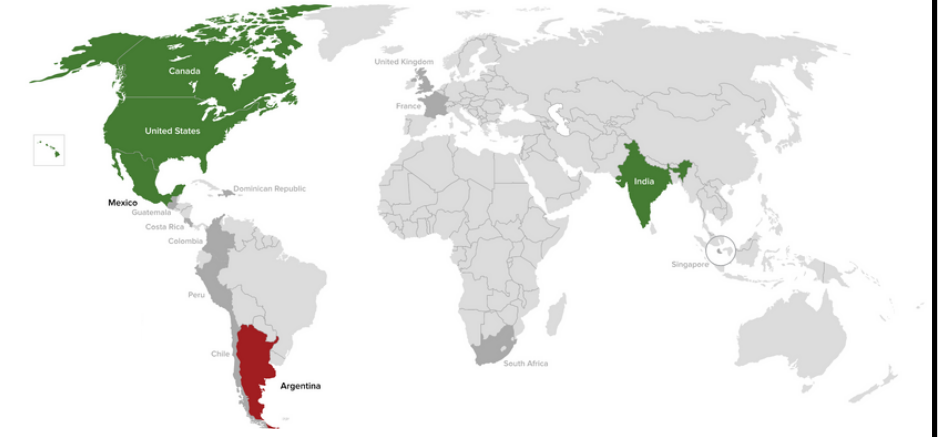
Gov't grants and incentives

Tax incentives

Transportation and storage costs are often cited as the main expenses that manufacturers, retailers, and restaurants need to overcome to donate food. Tax incentives, including deductions and credits, can help to offset these financial inputs and make donation a more attractive, affordable option.



Tax Barriers



In some countries, the application of certain taxes to donated food, such as the value-added tax (VAT), can create a barrier to donation.

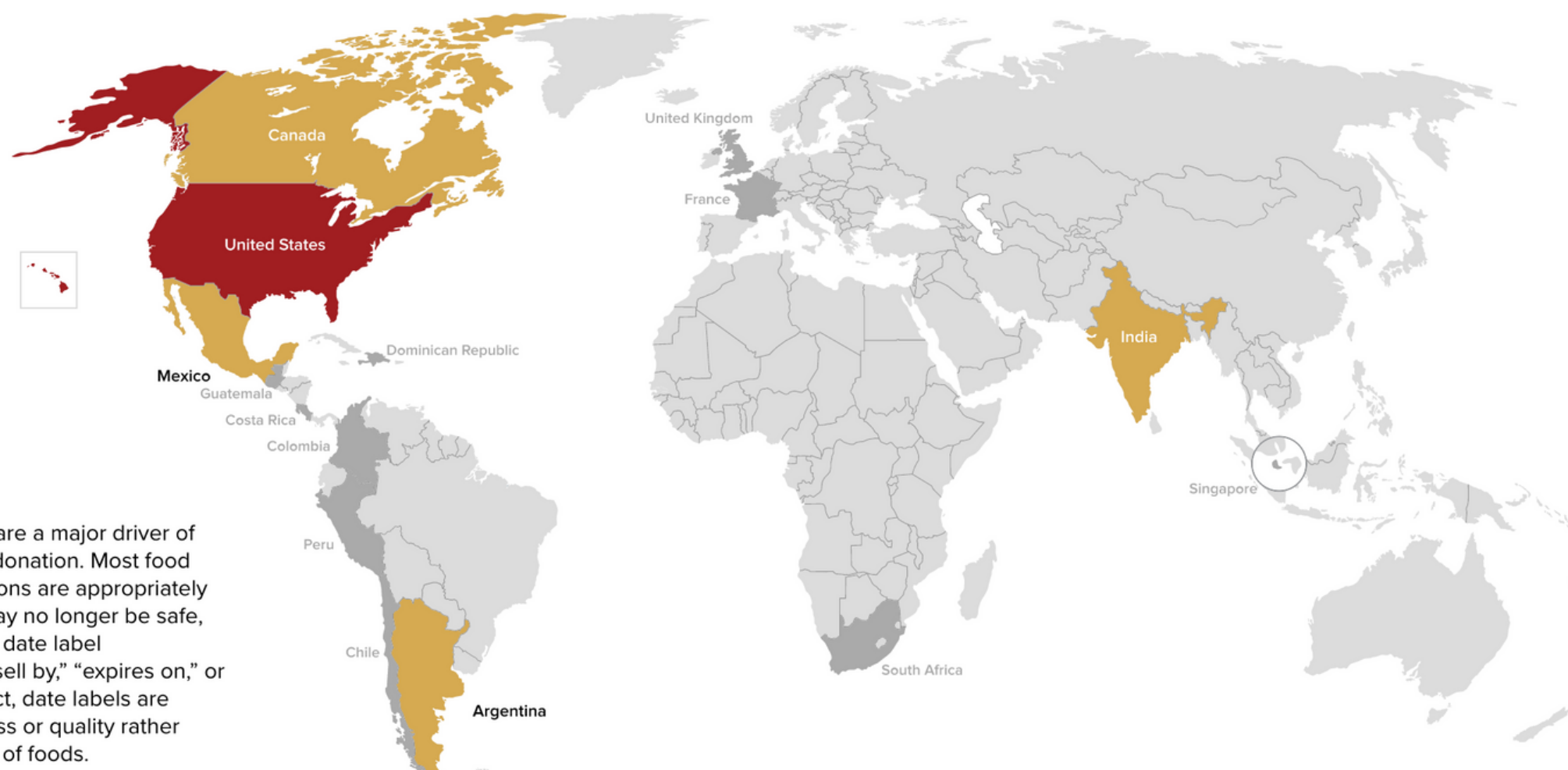
Date Labeling

Policy Area

- Food safety for donations
- Date labeling**
- Liability protection for food donations
- Tax incentives
- Tax barriers
- Donation requirements or food waste penalties
- Gov't grants and incentives

Date labeling

Date labels affixed to food products are a major driver of food waste and an obstacle to food donation. Most food donors and food recovery organizations are appropriately cautious about donating food that may no longer be safe, but it is not always clear whether the date label accompanied by language such as “sell by,” “expires on,” or “best by” relates to food safety. In fact, date labels are generally intended to reflect freshness or quality rather than food safety for the vast majority of foods.



Date Labeling

- No policy:** No mandatory policy requiring standard date label language or clarifying that most labels are for quality.
- Weak policy:** Mandatory policy standardizes date labels for certain foods, and one or both apply:
 - No clear differentiation between quality-based vs. safety-based labels.
 - No clear permission to donate food after the quality-based date.
- Strong policy:** Mandatory standard date labeling policy that also features:
 - Clear differentiation between quality-based v. safety-based labels.
 - Clear permission to donate after the quality-based date.

Donation Requirements

Policy Area

Food safety for donations

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Tax incentives

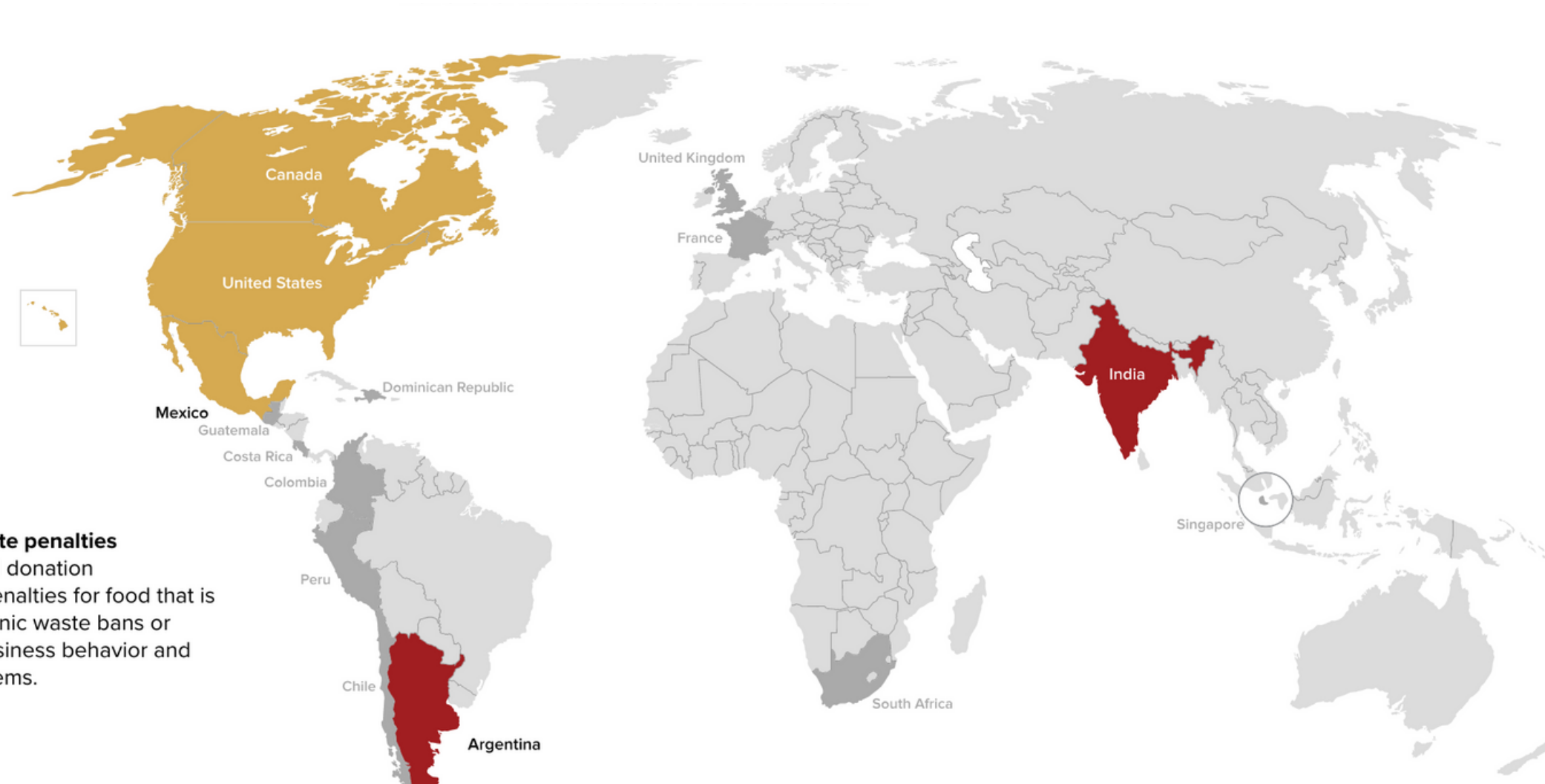
Tax barriers

Donation requirements or food waste penalties

Gov't grants and incentives

Donation requirements or food waste penalties

Some countries have employed food donation requirements or impose monetary penalties for food that is sent to landfills (often known as organic waste bans or waste taxes) in order to influence business behavior and promote more sustainable food systems.



Donation Requirements

- No policy:** No donation requirements or penalties are imposed on supply chain actors.
- Weak policy:** Donation requirements are imposed on certain supply chain actors at the state or local level or organic waste bans and waste recycling laws are enacted at a state or local level.
- Strong policy:** Donation requirements are imposed on certain supply chain actors at a national level or organic waste bans and waste recycling laws are enacted at a national level.

Gov't Grants & Incentives

Policy Area

Food safety for donations

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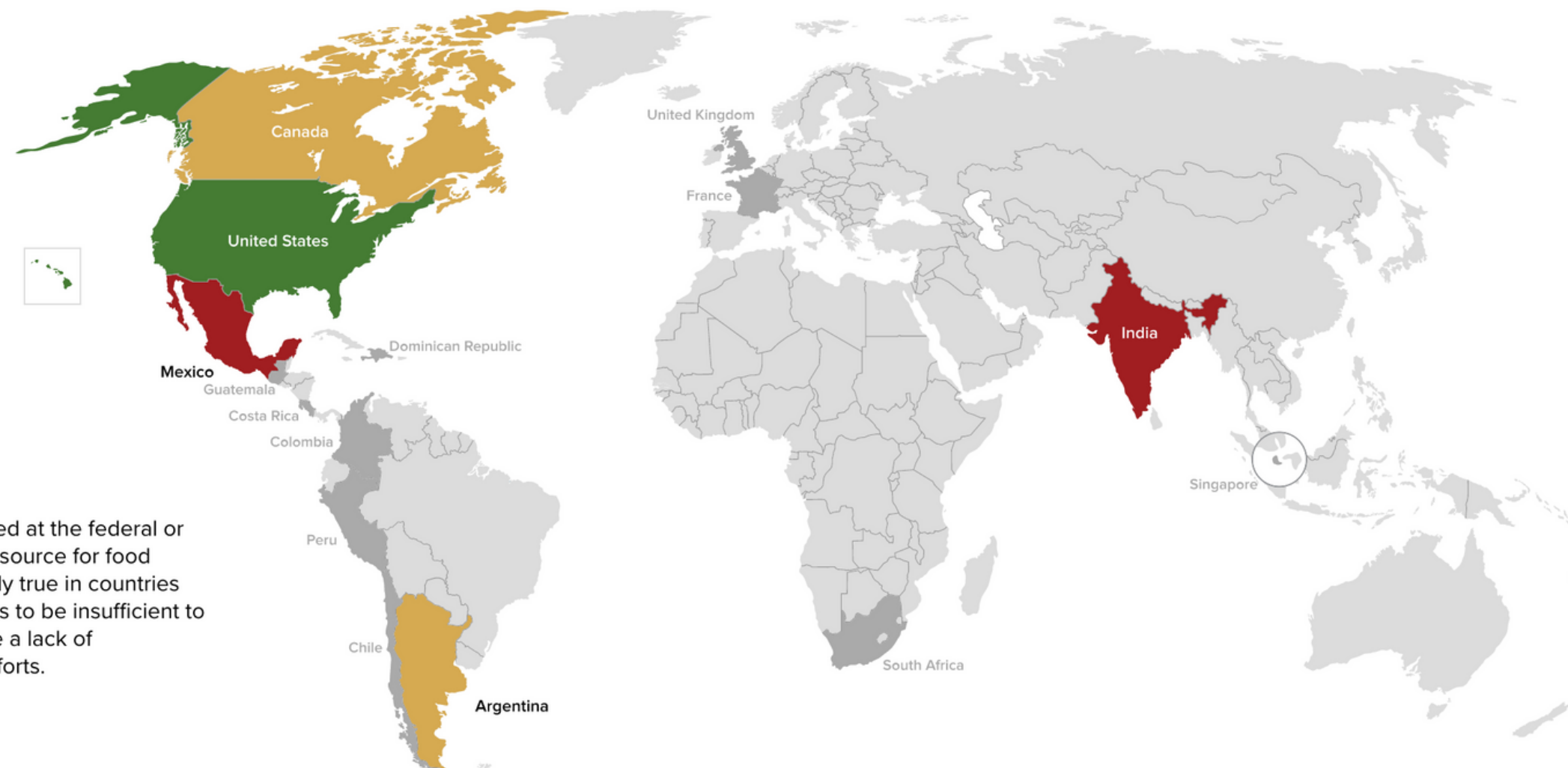
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Government grants and incentives

Grants and incentive programs funded at the federal or local level offer another important resource for food donation initiatives. This is particularly true in countries where donors consider tax incentives to be insufficient to offset the costs of donation or where a lack of infrastructure limits food recovery efforts.

Grants & Incentives

- **No policy:** No federal plans, programs, or policies allocate funding to support food recovery.
- **Weak policy:** Grants or funding are available, but issues around criteria, communication, and sustainability (see below).
- **Strong policy:** Grants or funding for food loss and waste prevention or promotion of food recovery are available, and the following apply:
 - Clear criteria for allocating funds or distributing among eligible applicants
 - Funding opportunities are made known to and accessible to relevant applicants
 - Available funding is sustainable and sufficient to support desired activities

The Future of the Atlas

Upcoming Countries

- Chile
- Colombia
- Costa Rica
- Dominican Republic
- France
- Guatemala
- Peru
- Singapore
- South Africa
- United Kingdom

Issue Briefs





The Global Food Donation Policy Atlas was made possible through funding by the Walmart Foundation. The findings, conclusions, and recommendations presented on this website and in materials contained therein are those of the Harvard Law School Food Law and Policy Clinic alone and do not necessarily reflect the opinions of the Walmart Foundation.

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Website Link:

<https://atlas.foodbanking.org/>

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