



February 2, 2024

Submitted electronically via www.regulations.gov

Ms. Carolyn Hoskinson
Director – Office of Resource Conservation & Recovery
c/o Office of Land and Emergency Management Docket
Mail Code 28221T
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

**Re: Draft National Strategy for Reducing Food Loss and Waste and Recycling Organics;
Docket No. EPA-HQ-OLEM-2022-0415**

Dear Ms. Hoskinson,

FMI – the Food Industry Association appreciates the opportunity to comment on *the Draft National Strategy for Reducing Food Loss and Waste and Recycling Organics*.¹ Addressing food loss and waste throughout the entire supply chain – including at the consumer level – is a critical issue for the food industry. Many of our members have well-established programs to quantify, report, and reduce food waste that work in conjunction with recovery and donation efforts that provide countless meals to hungry Americans every year. In combination, these efforts are having a measurable impact on food loss and waste. The national strategy can play an important role in enhancing these efforts, while providing new opportunities for collaboration on several fronts. We look forward to working with the United States Department of Agriculture (USDA), the Environmental Protection Agency (EPA), and the Food and Drug Administration (FDA) to further develop and implement the workplan outlined in the draft.

As the food industry association, FMI works with and on behalf of the entire industry to advance a safer, healthier, and more efficient consumer food supply chain. FMI brings together a wide range of members across the value chain — from retailers that sell to consumers, to producers

¹ EPA, USDA, FDA, *Draft National Strategy for Reducing Food Loss and Waste and Recycling Organics*, December 2023. Referred to herein as the *National Strategy*.





that supply food and other products, as well as the wide variety of companies providing critical services — to amplify the collective work of the industry. More information about our organization is available at www.FMI.org.

FMI and our member companies have a long history of addressing food loss and waste.

Reducing food waste has been and remains a top priority for FMI, our members, and the entire food industry. FMI’s President and CEO Leslie Sarasin was present for the announcement of the U.S. goal of cutting food waste in half by 2030. In a blog post describing the event, Ms. Sarasin explained, “The industry committed to work with government and the private sector to help achieve the goal of reducing food waste in the United States by 50 percent over the next 15 years... My remarks at this event emphasized that the food retail industry takes the issue of food waste seriously and approaches it very pragmatically.”² This pragmatic approach includes the creation of programs to increase food donations, with a particular emphasis on fresh product, coordination to improve the food safety resources available for food banks and kitchens, and efforts to address source reduction in the supply chain.

FMI is a founding member of the Food Waste Reduction Alliance (FWRA), an industry initiative focused on strategies to reduce food waste in partnership with the Consumer Brands Association (CBA) and the National Restaurant Association (NRA).³ Founded in 2011, the coalition is one of the oldest business-driven organizations addressing food waste in the consumer-facing supply chain. FWRA engages companies and stakeholders across the value chain to adopt a multi-sector approach to reduce food waste, increase food donations, and develop achievable food waste reduction goals based on quality data. In 2019, FWRA entered into a memorandum of understanding (MOU) with USDA, EPA, and FDA to engage in information-sharing and coordination around public and private sector efforts to reduce food waste in the supply chain. It is our hope that this MOU will shortly be renewed with a new focus on engagement around the national strategy.

FMI is also a founding member the Food and Agriculture Climate Alliance (FACA), a unique collection of associations and NGOs that represent every step in the food and agriculture supply chain.⁴ The group’s work includes a significant workstream on food loss and waste, with a focus on addressing this issue as part of the larger climate goals being pursued. FMI worked with other organizations in the membership to develop both the group’s original recommendations on food waste and *Food Waste Priorities for the 2023 Farm Bill*. The approach focuses on “food waste designed to leverage achievable goals and metrics to reduce and mitigate food loss and waste, and thus, positively impact feeding people and addressing climate change.”⁵ FACA’s priorities look to build on progress made by the industry, existing government partnerships, and

² Leslie Sarasin, “*Food Waste Reduction Goals*,” September 18, 2015. Blog available at <https://www.fmi.org/blog/view/fmi-blog/2015/09/18/food-waste-goals>.

³ Additional information about the FWRA is available at <https://www.foodwastealliance.org/>.

⁴ Additional information about FACA, including a full membership list is available at <https://agclimatealliance.com/>.

⁵ Food and Agriculture Climate Alliance, *Joint Policy Recommendations*, December 2020, pp.38. Available online [here](#).





2018 Farm Bill initiatives. More information on the FACA Food Waste Priorities is available here: <https://agclimatealliance.com/wp-content/blogs.dir/98/files/2023/02/farm-bill-recommendations-food-waste.pdf>.

We have also created programs to help consumers, who are increasingly prioritizing reducing food waste in their households and in the products they purchase. The food industry is assisting them with tools, education, and resources to optimize the value of their purchases. The FoodKeeper mobile app is a consumer tool that we created in conjunction with USDA and Cornell University to provide valuable food safety and food storage advice to help consumers maintain the freshness and quality of foods.⁶ These guidelines help consumers navigate their fridge and pantry to use food at its top quality and reduce food waste.

Food manufacturers and retailers are also collaborating to streamline and standardize the wording on package labels, bringing down the more than dozen possibilities in current use to two phrases – “Best if used by” and “Use by” – to provide greater clarity regarding the quality and perishability of products. In 2017, FMI and the Consumer Brands Association (CBA) launched an industry-driven effort to speed the adoption of this streamlined nomenclature.⁷ By addressing consumer confusion around product date labeling and educating consumers about the differences between “Best if used by” and “Use by” labels, the food industry and shoppers can continue to reduce the amount of food waste sent to landfills.

FMI’s members, in addition to engaging with our industry wide food waste efforts, have company-level goals and programs that have developed and grown significantly over the past decade. Many of our food industry businesses and organizations are U.S. Food Loss and Waste 2030 Champions and have made commitments to help reach the National Food Loss and Waste Reduction Goal to reduce food loss and waste by 50% by 2030. The food industry is collaborating on meaningful food waste mitigation efforts across the supply chain while also ensuring Americans have access to the food they need to feed their families.

The latest addition of *The Food Industry Speaks* found that 85 percent of our retail and wholesale members either have or are working on quantifiable goals and implementation timelines for addressing food waste in their supply chains; for product suppliers, this number is 70 percent.⁸ These efforts take many different forms and reflect both the consumer base the companies serve and the different needs and infrastructure availability in their operating areas. For example, one of our members has created a program that focuses on donations of perishable products from the meat, produce, dairy, deli, and bakery departments and provides cooler space in their back-of-store areas to await pick-up by local food banks. Similar products that are no longer eligible for donation are placed in collection bins and eventually sent for use in fertilizer or clean energy generation (through anaerobic digestion).

⁶ See <https://www.fmi.org/industry-topics/corporate-social-responsibility/food-keeper-food-storage-database>.

⁷ Additional information about this effort can be found at <https://www.fmi.org/industry-topics/labeling/product-code-dating>.

⁸ FMI – the Food Industry Association, *The Food Retailing Industry Speaks*, 2023, pp. 25.





FMI and our members' long history of work addressing food waste in the supply chain creates a unique opportunity for engagement with the three agencies to implement significant portions of the national strategy. The draft document calls for, “[c]hanges in the consumer environment [to] be explored, with partners in **retail**, food service, and **food manufacturing industries** and food advocates to make it easier for all consumers and community types to waste less food.”⁹

Significant efforts in this direction have already been undertaken by the industry, bolstered by our direct engagement with consumers. FMI stands ready to work with the agencies to address food waste in the supply chain and to operationalize the portions of the national strategy that correlate with our business operations.

FMI commends the agencies' focus on incentivizing food donation.

Food donations are also a critical component of mitigating food waste. The national strategy explicitly recognizes this and includes a subsection on ways to “facilitate and incentivize food donations to improve access to healthy and affordable food.”¹⁰ Some estimates have concluded that as much as 38% of food raised for human consumption goes uneaten¹¹; considering current levels of food insecurity - particularly childhood food insecurity – this number is simply unacceptable.

Food retailers and food manufacturers are consistently the largest donors to the Feeding America food bank network and maintain their commitment to both address hunger and mitigate food waste. In 2022, food retailers donated 1.6 billion meals and manufacturing companies donated 575 million meals through the Feeding America network, actively reducing the loss of food while fighting food insecurity. Food retailers also support initiatives to reduce food loss at the farm and agricultural level through direct purchasing and transportation of produce that would have gone to waste from local farms to the food bank.

As steps are taken to implement the national strategy, FMI encourages the agencies to address capacity building and expanding the infrastructure needed to manage surges in demand for food donations. One of the lessons COVID revealed was that – while the system of food banks and food kitchens do amazing work everyday serving their communities – they can also struggle to oversee surges in demand caused by unexpected events. One way to address this is to expand refrigeration and storage facilities available in communities, which also has the added benefit of facilitating the donation of healthy and perishable products. The use of FSA's Farm Storage Facility Loan Program to address this challenge is an excellent first step, but FMI would also encourage exploring additional opportunities for public-private partnerships and dual-use facilities that can help address surges in demand. We would also encourage the three agencies to work with industry to explore areas of collaboration such as better transportation logistics and the ability to leverage existing relationships between farmers, ranchers, manufacturers, and

⁹ *National Strategy*, pp. 12. (emphasis added).

¹⁰ *Ibid.*, pp. 13

¹¹ e.g., ReFED estimates that up to 38% of food is “surplus food” that goes unsold or uneaten. See https://refed.org/food-waste/the-problem?gad_source=1&gclid=EA1aIQobChMIk-Lje6lhAMVc0VHAR0DtgtfEAAYASAAEgJ1UfD_BwE.





retailers. There are opportunities for improved coordination of donation efforts that can be seized upon.

FMI supports the national strategy’s call for consumer education campaigns and encourages the agencies to work with industry to develop effective messaging.

EPA and USDA have both created excellent toolkits and resources to address consumer-level food waste. However, many of these tools have limited awareness and adoption simply because of the challenges of “getting the message out.” FMI is pleased that the agencies plan to expand these efforts and create options for customization at the community level. One of the lessons learned from the industry’s efforts to address food waste is that different communities have distinct reasons and challenges that create waste in the first place. Some of these differences can be attributed to geography (e.g., different kinds of local infrastructure that can create alternatives to sending waste to landfill) but much of the variation can be attributed to specific eating patterns, financial constraints, and even where consumers shop for food. Customizing resources through collaboration at the local level is an excellent focus that will help to create improved results over the long-term.

FMI would also encourage the agencies to work with the business community in local communities – particularly food retailers, manufacturers, and food service establishments – to help develop messaging and outreach strategies. These businesses interact with consumers on a daily basis and often have a better view of what is driving individual behaviors and purchasing decisions than national research.

Additionally, FMI – the Food Industry Association has ongoing research covering dozens of topics that break down results along age cohorts, income levels, and region that can greatly help with this personalization. We are happy to share this research with the appropriate authorities and help to craft a strong and effective consumer campaign that addresses the many nuances and challenges of addressing food waste in diverse communities.

FMI encourages the national strategy’s focus on facilitating the adoption of new technologies to address food waste.

The national strategy places a strong emphasis on adopting new technologies that can help reduce current levels of food loss and waste at all levels of the supply chain. FMI supports this approach and would encourage efforts to expand improved data analytics and transportation logistics.

We would also encourage the agencies to look at more traditional areas of the supply chain, such as packaging. There has been a flood of new research over the past few years exploring the links between food safety, increased shelf life, and the role of packaging in facilitating both. This has often been balanced with research questioning the role of packaging in everything from microplastic releases into waterways to confusion over recyclability to challenges created by the influx of packaging at landfill. There is additional work that needs to be done that would be aided by the engagement of EPA, USDA, and FDA to help create a consistent approach and focus on best practices at the national level.





As noted, FMI – the Food Industry Association is supportive of many aspects of the national strategy. We would ask, however, that the agencies also take several important challenges into consideration as steps are taken to finalize the draft strategy and implement a workplan.

There are important lessons to be learned from international efforts and organizations, but U.S. consumers often engage with their food differently than their counterparts in other countries.

U.S. consumers generally shop fewer times per week and at a greater number of stores than their counterparts in other developed areas, such as the European Union. They also tend to have significantly more travel miles in their food shopping trips. Combined with national (and local) variations in diet, the end result is a consumer and set of consumer behaviors that are often specific to their marketplaces. We'd encourage the agencies to keep these differences in mind as they look at research and collaboration opportunities.

FMI encourages FDA to approach the link between food waste and a problematic traceability rule with caution and not to allow efforts to cross-engage on the two issues to slow progress on food waste.

Implementation of the requirements in the traceability rule will demand tremendous investments of time and resources across the entire food industry. FMI believes this rule exceeds the statutory authority, both written and intended, by Congress in the Food Safety Modernization Act (FSMA). FMI greatly appreciates the efforts of FDA to work with the industry to address challenges with implementing the rule and to improve the food recall process, but we would urge caution in explicitly tying traceability in its current form to food loss and waste reduction efforts.

FMI supports the national strategy's goal of improving metrics around food waste measurement and encourages the agencies to work with industry to build-on ongoing efforts to improve these measurements.

A lack of consistent, quality data around the amount of food waste generated at regional levels and by industry has been one of the most significant challenges to getting a firmer understanding of how to reduce food loss and waste throughout the supply chain and at the consumer level. FMI supports efforts to improve both measurement and reporting of food waste data. However, the measurement process can be challenging even for companies that have invested significant time and money to track waste in their operations; for many small and mid-sized operations the obstacles to effectively capturing this data can be prohibitively expensive and time-consuming. FMI's members are extremely interested in collaborating on improving data collection but are extremely wary of the creation of new mandates, obligations, and cost-centers. We encourage the agencies to approach enhancing the measurement process with a focus on creating incentive-based opportunities and capacity building for the entire supply chain.

Initiatives that prevent food loss and waste are integral to our industry and important to the consumers we serve. We appreciate the opportunity to comment on the *Draft National Strategy for Reducing Food Loss and Waste and Recycling Organics* and look forward to working with





EPA, USDA, and FDA to continue addressing food loss and waste throughout the entire supply chain. Thank you and please do not hesitate to contact us if we can provide further information.

Sincerely,

A handwritten signature in black ink that reads 'Andrew S. Harig'.

Andrew S. Harig
Vice President
Tax, Trade, Sustainability, & Policy Development
FMI- the Food Industry Association

