



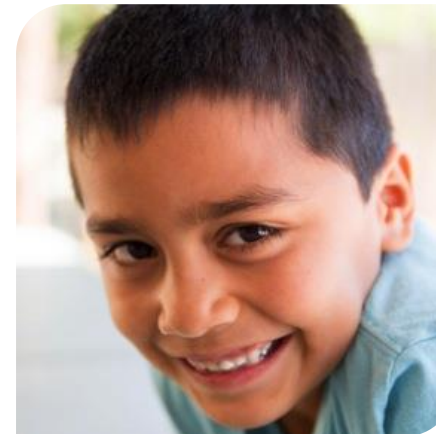
# TOGETHER WE CAN SOLVE HUNGER

*Food Safety Summit  
Chicago, IL  
May 10, 2017*

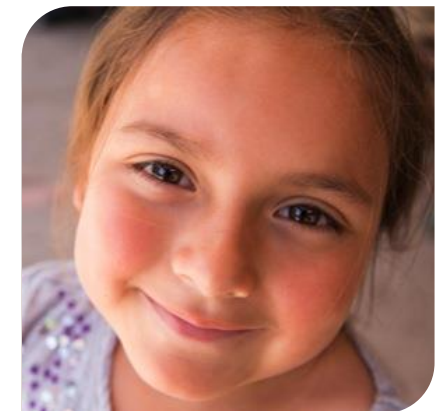
**FEEDING**  
**AMERICA**

## AGENDA

- Hunger in America
- US policies which enable donation
- Looking forward: Using Technology and tax incentives
- Case study: Starbucks FoodShare program
- Q&A

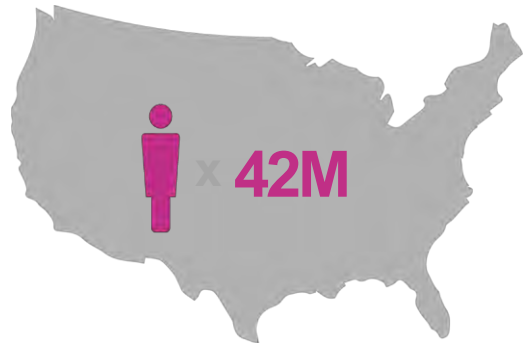


**FEEDING**  
**AMERICA**



# HUNGER IN AMERICA





**42 Million**

**PEOPLE ARE  
FOOD INSECURE  
IN AMERICA**

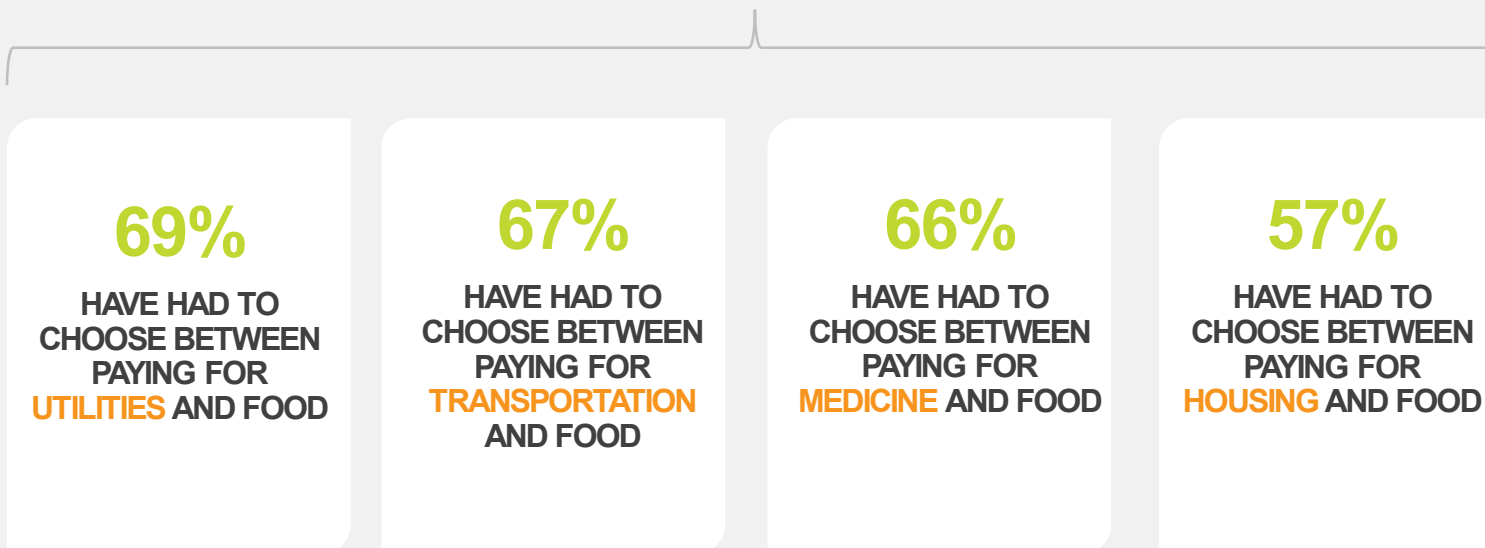
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## Making Tough Choices



The people Feeding America serves report that their household income is inadequate to cover their basic household expenses.



Source: *Hunger in America 2014*

# Our Vision: A Hunger-free America

**Our mission: To feed America's hungry through a nationwide network of member food banks and engage our country in the fight to end hunger**

**To do so, we depend on our network's ability to rescue safe food from going to waste through partnerships across the food industry.**



**The Feeding America Network Serves Every County in the U.S.**

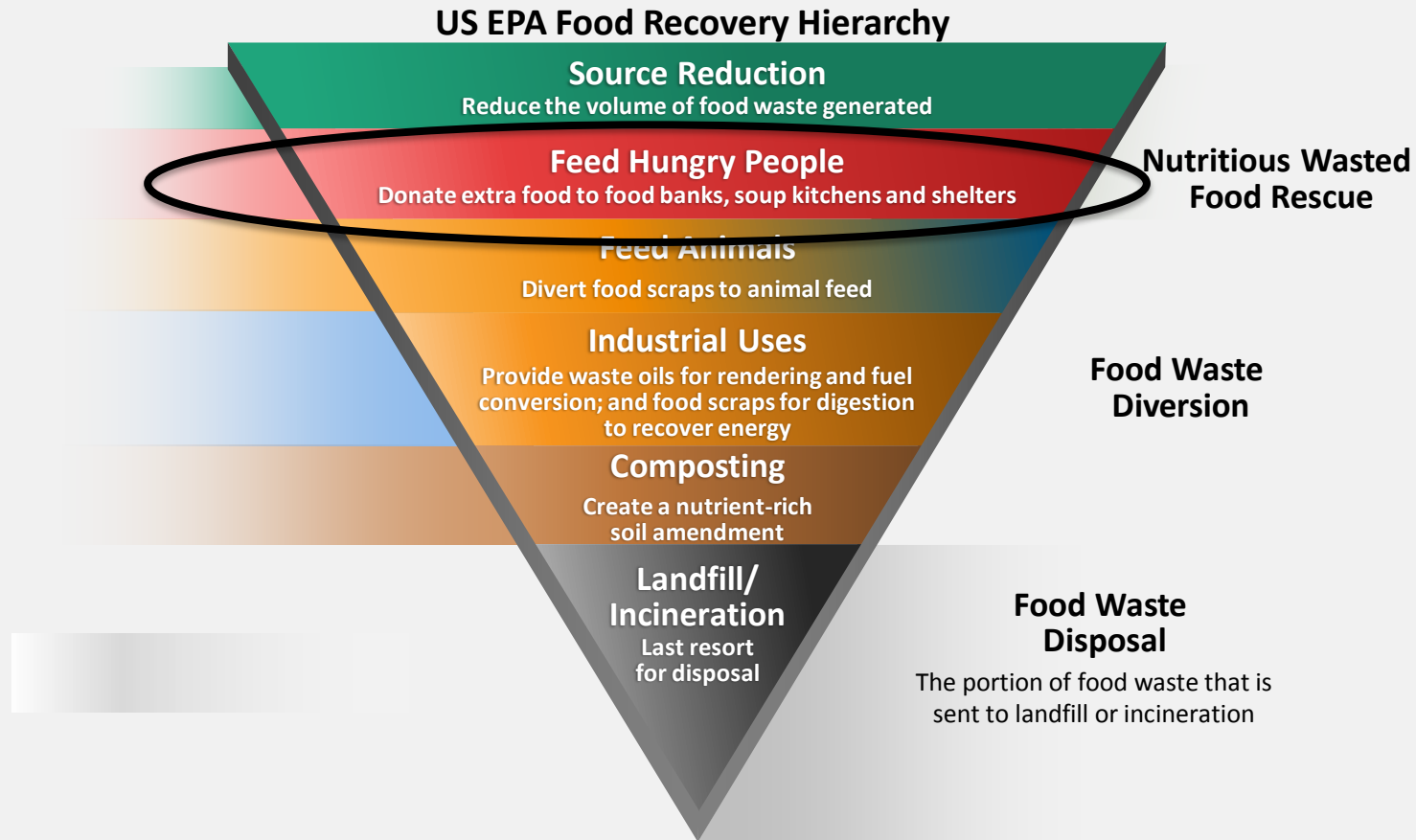


Feeding America is uniquely positioned to lead across this intersection





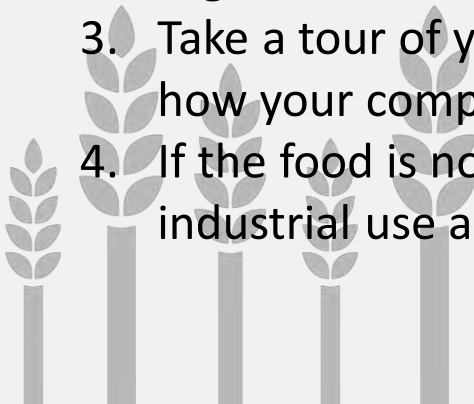
# EPA Food Recovery Hierarchy Prioritizes Food Rescue to Feed People enabling greater engagement opportunities for Feeding America



## Food waste has tremendous economic, social, and environmental consequences

What are the next steps for your company to take to reduce inefficiencies and ultimately reduce food waste?

1. Donate – don't assume that your product is not donateable.
2. Contact your local Feeding America food bank ([www.feedingamerica.org](http://www.feedingamerica.org)) or local charitable food distribution organization
3. Take a tour of your local Feeding America food bank to identify how your company can partner to reduce food waste
4. If the food is not fit for human consumption, is animal feed or industrial use appropriate?





***THANK YOU!***

**Contact information**

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# REDUCING WASTE & EXPOSURE: Taking Advantage of Donation Laws and Standardizing Food Date Labels

May 10, 2017

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Michael W. Cromwell



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WCSR.COM



# OVERVIEW

- **FOOD WASTE & EXPOSURE**
  - Identification Of The Problem
  - Current Legal Framework's Contribution to Problem
- **SOLUTION(S)**
  - The Food Donation Act of 2017 (Good Samaritan Act 2.0)
  - The Food Date Labeling Act
- **IMPACT**
  - Food Waste
  - Liability Risk



# **FOOD WASTE & EXPOSURE: Identification Of The Problem**

# FOOD WASTE

- An estimated **40% of food** in the United States goes uneaten
- **91% of individuals** occasionally throw out still-fresh food
  - 91% of consumers reported at least occasionally discarding food past its “sell by” date out of concern for the products safety; 25% report that they always do
- Americans waste **160 billion pounds of food** per year

\*The Dating Game: How Confusing Food Date Labels Lead to Food Waste in America, Harvard Food Law and Policy Clinic & Natural Resources Defense Counsel, Sept. 2013.





# COMPOUNDING THE PROBLEM

- **Societal - Food Insecurity:**
  - 15% of U.S. households are food insecure (2011); 1 in 5 are children
- **Resources - Wasted Water / Land:**
  - 25% of America's freshwater use goes into the production of wasted foods
  - 100 million acres of cropland could be saved if developed countries reduced consumer food waste by 30%
  - Food waste is one of the largest producers of CO<sub>2</sub>

\*The Dating Game, Sept. 2013.



**FOOD WASTE & EXPOSURE:  
Current Legal Framework's  
Contribution to Problem**

# Why Do We Have Food Waste?

- NOT A Comprehensive Examination
  - Manufacturers', Retailers' and Donors' Fear of Liability
  - Confusing Food Date Labeling Laws

“[D]onor liability education and standardized donation regulations would help get hundreds of millions of meals to people who could use them.”  
ReFED.



# BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT OF 1996

- Exempts **donors** making **good faith donations** of food and grocery products to **nonprofit organizations** that **distribute the donated items to needy individuals** from liability for injuries arising from the consumption of the donated food unless acting with **gross negligence** or **intentional misconduct** (42 U.S.C.A. § 1791)



# WHY A FEAR OF LIABILITY?

- **Unawareness:** Donors are unaware of the liability protection
  - In 2016, study shows 44% of manufacturers, 41% of restaurants, and 25% of retailers identified liability concerns as a barrier to donation

\*Recommendations to Strengthen the Bill Emerson Good Samaritan Act, Harvard Food Law and Policy Clinic & Natural Resources Defense Counsel, Sept. 2016.



# UNFOUNDED FEAR

- “[A] thorough search of filings and review or reported decisions did not turn up a single case that involved food donation-related liability or any attempts to get around the protections offered by the Bill Emerson Act.”

\*Food Recovery: A Legal Guide, University of Arkansas School of Law (2013)



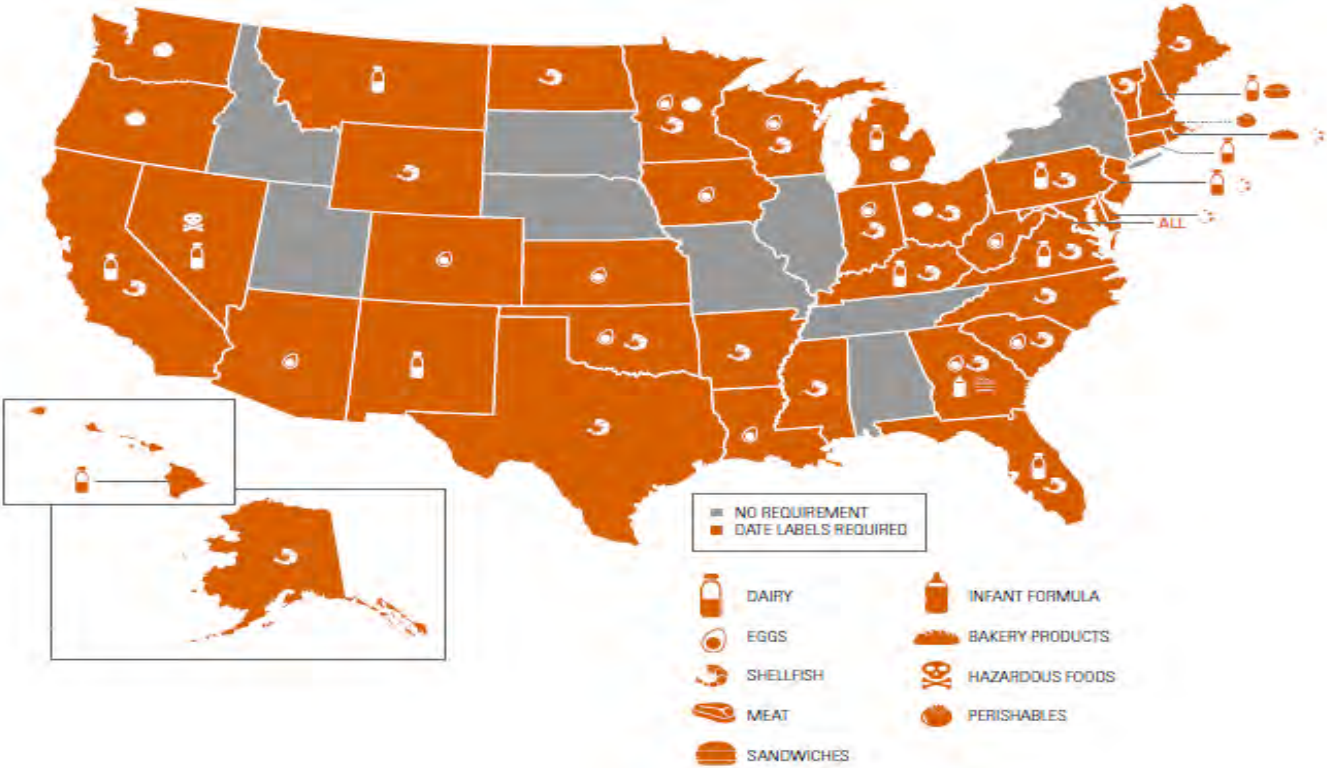
# COMPLICATING MATTERS: DATE LABELS

- **No Mandatory Federal Law**

- **FDA:** Besides infant formula, *“FDA does not require food firms to place ‘expire by’, ‘use by’ or ‘best before dates on food products. This information is entirely at the discretion of the manufacturer.”* (FDA Website)
- **USDA:** *Aside from few exceptions, USDA does not require date labels on regulated products. IF company decides to include dates (state requirement / voluntarily), it must include a **day/month** and is preceded by **explanation of date.** (9 C.F.R. § 317.8(b)(32))*



# STATES REQUIRING DATE LABELS ON AT LEAST SOME FOOD PRODUCTS

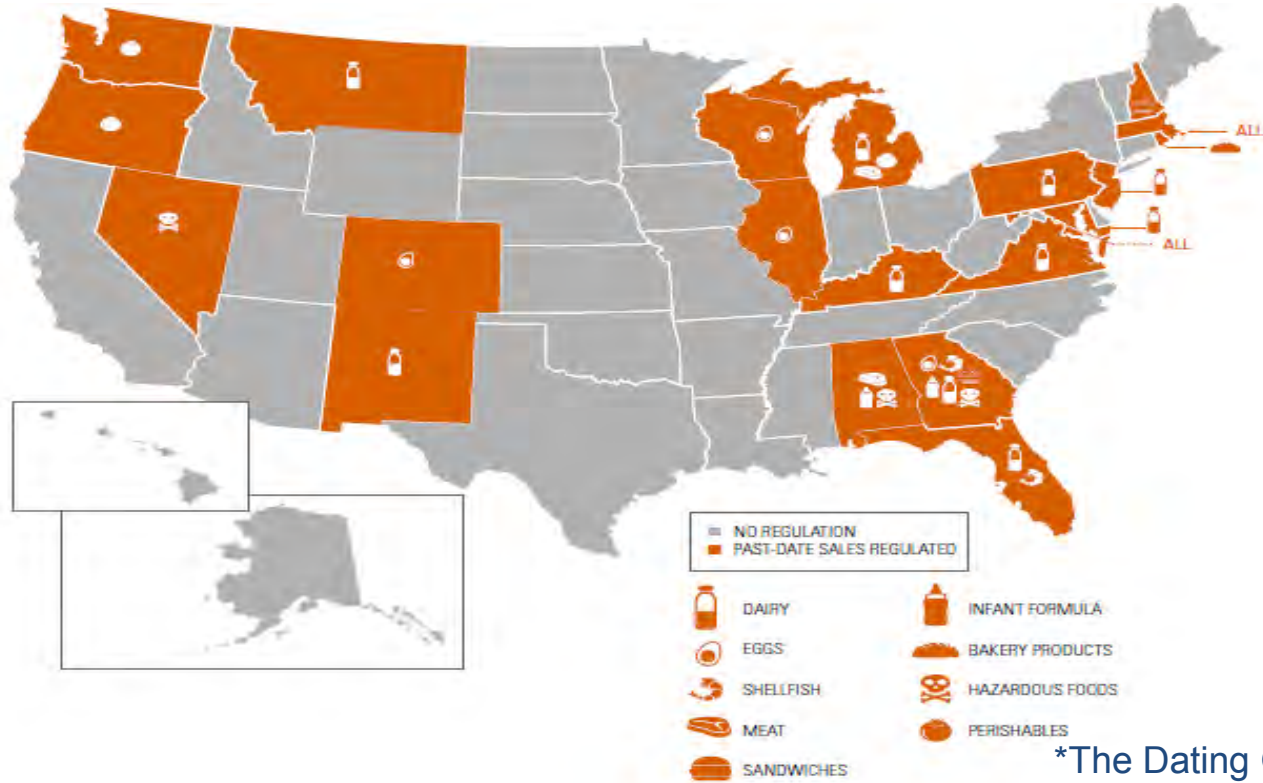


\*The Dating Game, Sept. 2013.





# STATES REGULATING FOOD SALES PAST SOME LABEL DATES



\*The Dating Game, Sept. 2013.



# PROBLEMS WITH CURRENT LEGISLATIVE FRAMEWORK

- Numerous undefined date labels:
  - “Production” or “pack” date
  - “Sell by” date
  - “Best if used by” date
  - “Use by” date
  - “Freeze by” date
  - “Enjoy by” date



# PROBLEMS WITH CURRENT LEGISLATIVE FRAMEWORK

- Confusion
  - Only 44% correctly described the meaning of the “sell by” date
  - 25% had the misconception that “sell by” date identifies the last day on which a product can be consumed
- Manufacturers and retailers are free to define shelf-life according to their own standards



# WHAT DOES THE RESEARCH TELL US?

**“There is a connection between the misinterpretation of date labels and wasted food.”**



**SOLUTION:**  
**Food Donation Act of 2017**  
**(Good Samaritan Act 2.0)**

# FOOD DONATION ACT OF 2017

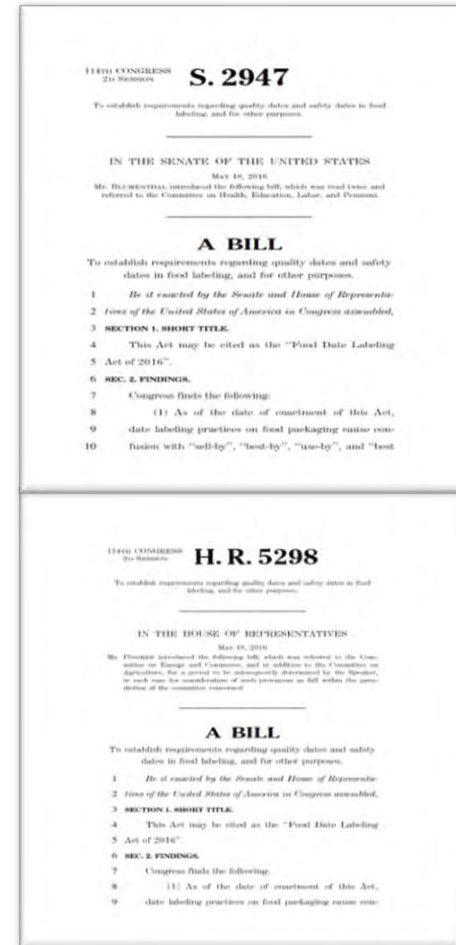
- **Expands liability protections to nonprofit retailers and those that donate food directly to individuals**
  - Currently, protections only extend to donations to nonprofits
- **Eliminates labeling requirements that are not necessary for safety**
  - Currently, donated foods must meet all labeling requirements (e.g. net quantity)
- **Clarifies that donations of past-due food are protected**
- **Promotes awareness of food donation capabilities**



**SOLUTION:**  
**Food Date Labeling Act of 2016**

# THE FOOD DATE LABELING ACT OF 2016

- **GOAL:** “To establish requirements regarding quality dates and safety dates in food labeling . . .”





# KEY TERMS

- **Quality Dates:**
  - **“Best if used by”**
  - Discretion of the food labeler to communicate to consumers the date after which the quality of the product may begin to deteriorate, but may still be acceptable for consumption
- **Safety Dates:**
  - **“Expires on”**
  - “A date printed on food packaging of a read-to-eat product, which signifies the end of the estimated period of shelf life under any stated storage conditions, after which the product may pose a health safety risk”
- **FDA & USDA**
  - Establish guidance for determining dates; provide consumer education and outreach regarding meaning



# OTHER KEY TERMS

- **Sale or Donation:** “No one shall prohibit the sale, donation, or use of any product after the quality date for the product has passed.”
- **Preemption:** “No state may establish or continue in effect any requirement that relates to the inclusion in food labeling of a quality date or a safety date that is different from these requirements.”



**IMPACT:**  
**Reduce Food Waste**

# MAKING GOOD USE OF FOOD

- **Standardization:**
  - Confusion over date labeling accounts for an estimated 20% of avoidable household food waste.
  - 398,000 tons of food (or ~\$1.8 billion) could be saved through standardization
- **Sales / Donations:**
  - Ability to sell (@ a discount) or donate, without fear of liability allows access to cheaper, free foods.
  - Redistributing 30% of all the food lost in the United States could feed every food insecure American their *total* diet.



**IMPACT:**  
**Liability Risk**

# LABEL LIABILITY

- **Pros: No More State Variability**
  - Increase variability = increased costs / exposure to labeling lawsuits
- **Pros: Limited Liability For Donors**
- **Cons: Spin-off Litigation**
  - Those who do not adopt new voluntary standards may be exposed
- **Cons: Not A Shield**
  - Simply complying with law or guidelines is not a shield to litigation.



# QUESTIONS? COMMENTS?

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@FoodLawNews

WOMBLE  
CARLYLE 

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# *Extra Servings of Client Service*







**TOGETHER  
WE CAN  
SOLVE  
HUNGER**



## Opportunity for Rescue

Excluding consumer waste at home, 52 billion pounds of good food end up in landfills. An additional 20 billion pounds of fruits and vegetables are discarded on farms or left in fields.



**Farms**  
20 billion pounds lost



**Manufacturers**  
2 billion pounds lost



**72 Billion  
Pounds**



**Consumer-Facing  
Businesses**  
50 billion pounds lost



Source: ReFED

# MealConnect™ FEEDING AMERICA

Match your surplus food with your local Feeding America member food bank and its partners.

- Easy pickups based on your schedule
- Convenient activity tracking
- Simple receipt recording for tax savings
- Reduce food waste
- Fight hunger in your community
- Donation App



## POST PRODUCT

easily from your computer or phone



## GET ALERTED

when your donation is accepted



## PICKUP MADE

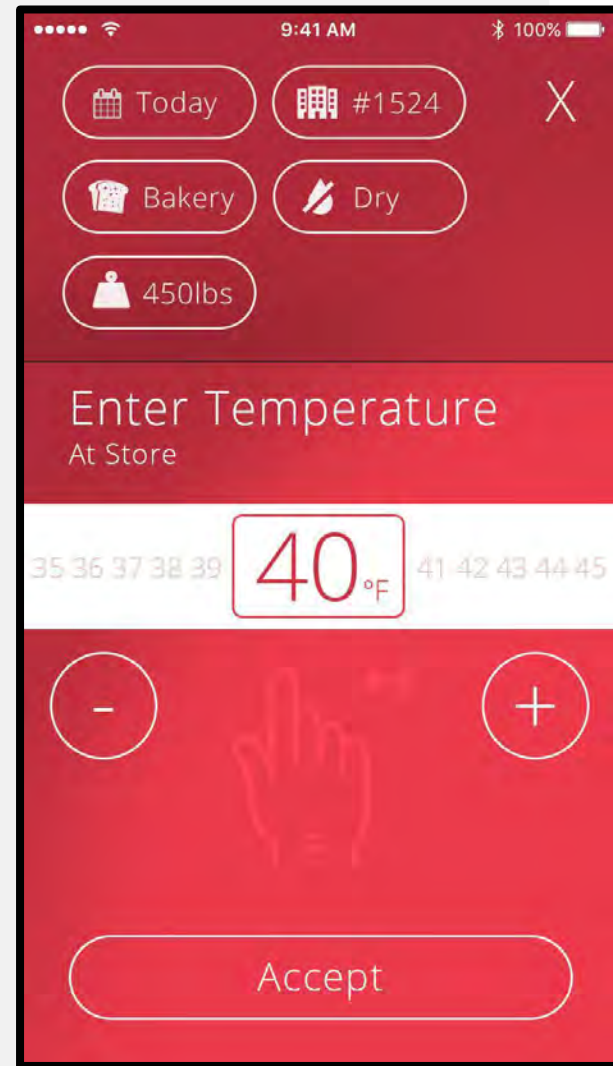
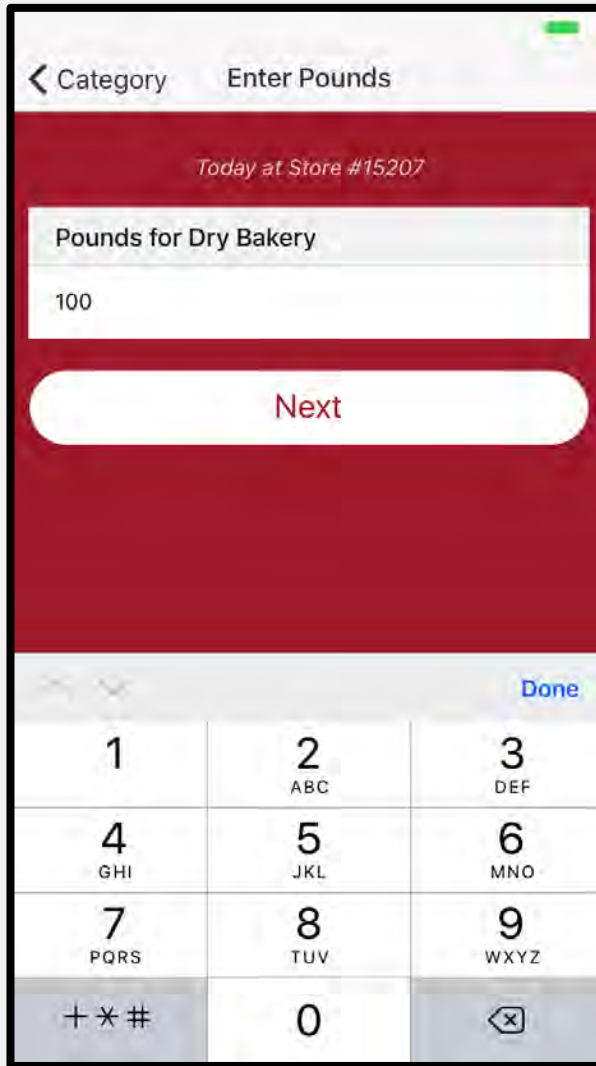
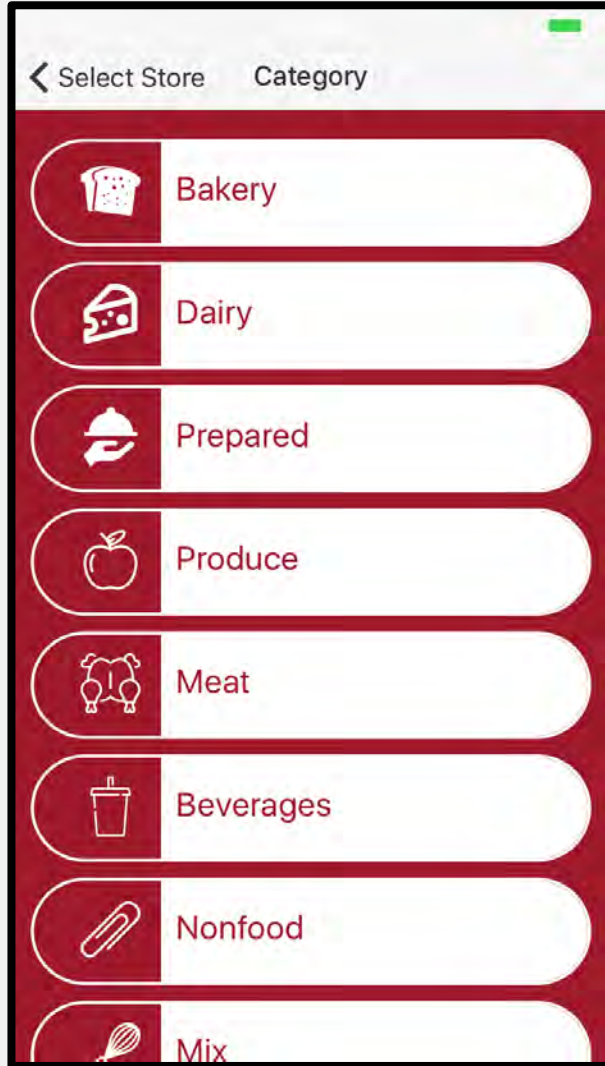
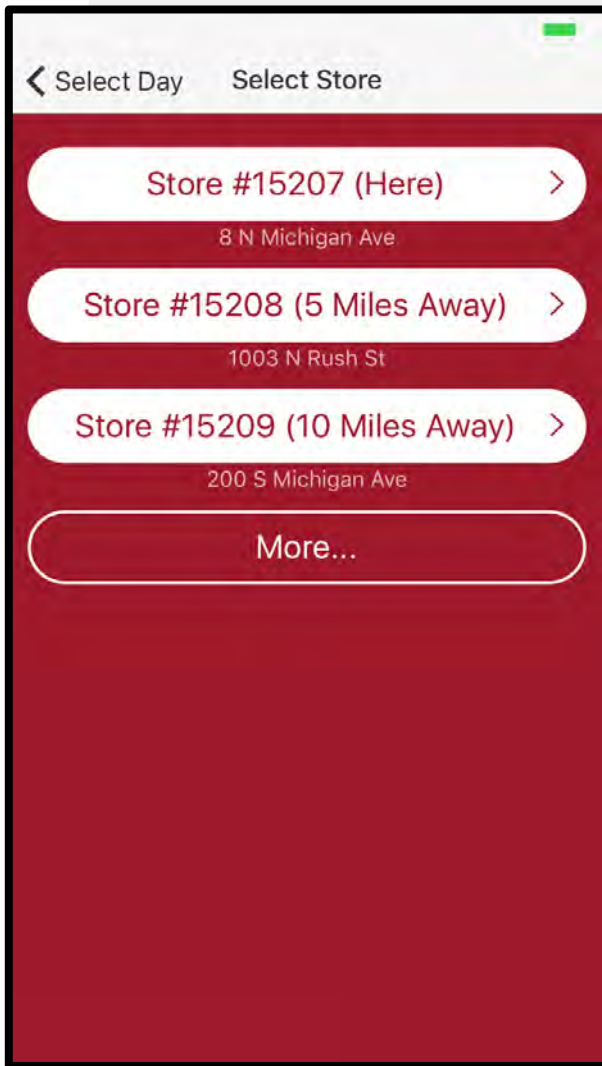
you get a friendly confirmation



## YOU'RE A CHAMPION!

helping the hungry in your community

**SIGN UP TODAY!**  
AT [MEALCONNECT.ORG](http://MEALCONNECT.ORG)





**STARBUCKS<sup>®</sup>**  
**FOODSHARE**  
*Hunger relief in action.*

**FEEDING  
AMERICA**

**Together, Feeding America and Starbucks will nourish and bring hope to the human spirit:**



# Starbucks Partnership Highlights



Ultimate Goal

Feeding America network to rescue Starbucks' food at 8,000 locations; ~50 million meals annually

Ready-To-Eat Meals

Rescued food includes sandwiches, salads, breakfast sandwiches, fruit, yogurt and pastries

Starbucks Investment

Funding network investment in logistics and cost recovery to bring program to scale.

Action Steps

Focused on grant administration & operational planning; Program operational in 11 markets and 1,100 stores nightly.

Partnership Drivers



Food Recovery



Community Engagement and Thought Leadership



Employee Engagement



Agency Job Creation

# Food Safety Management System for Food Donation

How Strong Food Safety Systems Enable Food Rescue Programs to Reduce Food Waste

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MAY 10, 2017

BECKY ENDEAN, R.S.  
RETAIL QUALITY ASSURANCE MANAGER  
STARBUCKS COFFEE COMPANY



# STARBUCKS<sup>®</sup> FOODSHARE

*Hunger relief in action.*



## MISSION

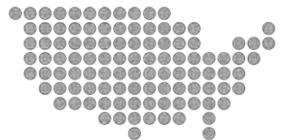
Starbucks is leading a national effort to provide nourishing, ready to eat meals to the 1 in 8 Americans impacted by hunger. Through a strategic partnership with Feeding America, Starbucks has set a goal to rescue 100% of food available to donate from all US company-operated stores.

## GOAL (AT SCALE)

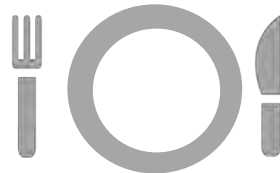
- Starbucks will rescue 100% of its food available for donation from all of US company-operated stores
- Donate 50 million meals annually and divert 60M pounds of food waste from landfills reducing greenhouse gas emissions
- Further our commitment by engaging licensee partners, channel, supply chain and take our commitment globally
- Engage a coalition of companies and organizations to help solve hunger in partnership with Feeding America



**+8000**  
US CO Stores  
Launched



**200**  
Food Banks  
Launched



**50M**  
Meals Provided



**60M** Pounds  
Diverted from Landfills



# Food Safety Management System



## Starbucks FoodShare Food Donation Program Handbook



**STARBUCKS**  
**FOODSHARE**  
*Hunger relief in action.*



For Internal Use Only – Confidential; version 2.15.17

# Minimum Food Safety Requirements

- ① Temperature Control and Handling in Receiving, Transport and Distribution



- ② Probe Thermometer Accuracy and Temperature Logging



- ③ Cleaning/Sanitizing Equipment Procedures and Chemical Storage



- ④ Product Withdrawals, Recalls, and Traceability



# Minimum Food Safety Requirements

⑤ Food Safety Training



⑥ Employee Hygiene and Handwashing



⑦ Food Defense



⑧ Agency and Food Safety Management System Audits



# Temperature Control and Handling in Receiving, Transport and Distribution

- Product will be received from store at 41 ° F/5 ° C or below and handled by agency in such a way that the product remains at or below 41 ° F/5 ° C throughout the distribution to the client
- Chilled food displayed out of refrigeration for 2 hours or less cannot be re-refrigerated and if not distributed to a client it must be discarded and not consumed
- Agencies may not redistribute product
- All donated foods must be distributed or donated after 72 hours of receiving donated product
- Agency must maintain product receiving and refrigeration storage logs



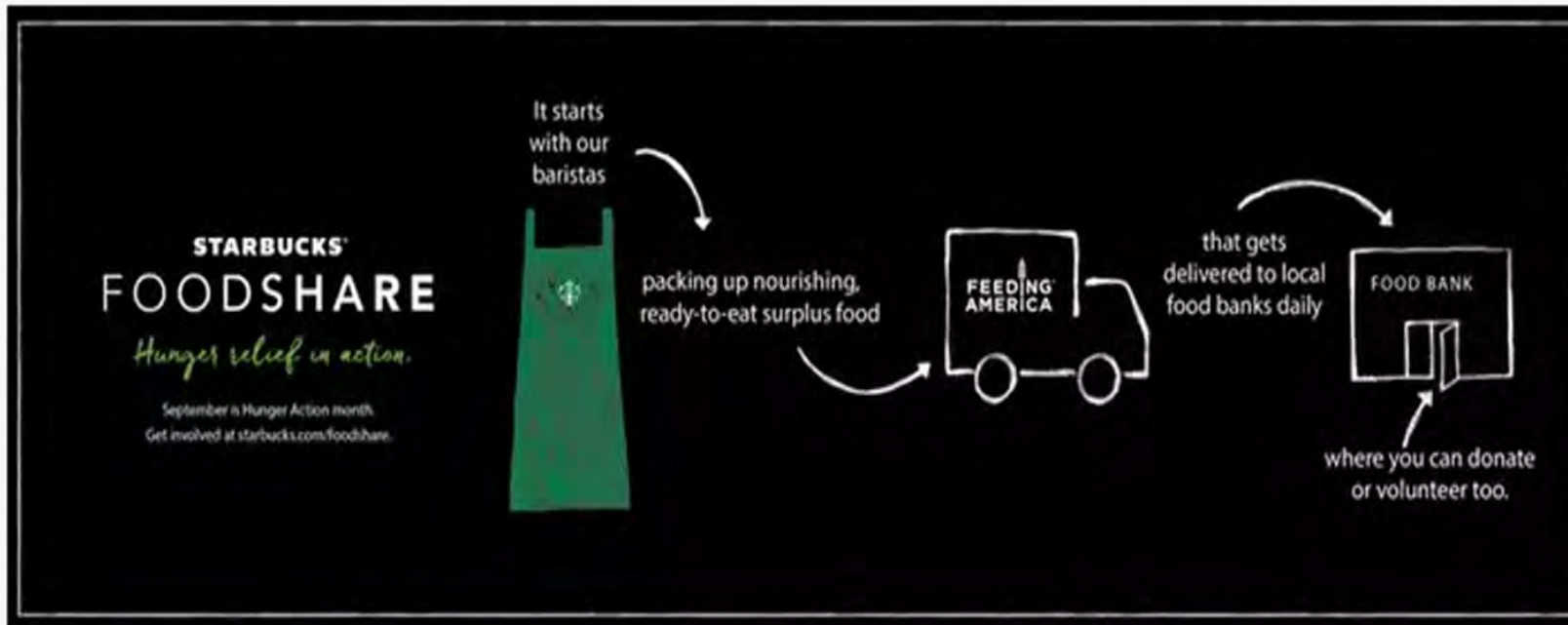
## Quality Assurance Testing

- 100% product quality testing
- Confirm quality is maintained throughout the donation
- Educate agency and operations on what can be donated



## Commitment

- Dedicated QA resource for food donation program
- Feeding America partnership



**Thank you!**

Becky Endean, R.S.  
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