



Maine Grocers &
Food Producers
Association
PO Box 5234
Augusta, ME 04332
207.622.4461
info@mgfpa.org

March 22, 2023

IN OPPOSITION - LD 1009 'An Act Regarding the Reduction and Recycling of Food Waste' (as amended)

Dear Senator Brenner- Chair, Representative Gramlich - Chair, and Members of the Committee On Environment and Natural Resources,

My name is Christine Cummings and I am the Executive Director of the Maine Grocers & Food Producers Association (MGFPA). The Maine Grocers & Food Producers Association is a business trade association representing Maine's food community; Main Street businesses, including independently owned and operated grocery stores and supermarkets, food and beverage producers and processors, manufacturers, wholesalers, distributors, and supportive service companies.

Grocers as the retail, consumer-facing entity of the food supply chain are keenly aware of the issue of food waste. Our members continuously seek out more information on ways to proactively reduce food waste. They've work diligently to ensure that they serve as good stewards of their communities and the environment. They actively engage in donation and recycling programs and are learning and implementing new strategies to reduce food waste which in turn also helps with their efficiencies and cost savings. Access and the ability to fully engage in every and all food waste efforts are dependent on the scale of the operation and the available network of resources within certain geographic areas of the state. Fortunately, there are many partnerships, policy efforts, and foundations both nationally and at the state level that are working to share best practices, create increased awareness, and reduce food surpluses.

In preparation for this hearing, I spoke with members to understand what they're doing in this space to prevent food waste. Many of the larger chain stores have zero waste goals, commitments and achievements. One chain store donates more than \$50K value in food to their local food banks each week, statewide. Other smaller stores have their own plans in place ranging from composting and partnerships with Agri-cycle, to offering food removed from shelves first to their staff, and then coordinated donations to their local food pantry. Stores operate on a 1-2% margin and they often use produce that would be considered 'seconds' or goods near expiration as ingredients in other prepared foods or as pre-cut offerings. They proactively mark-down items prior to expiration. One small grocer in rural, Western Maine diverts all of his food scraps while another co-packer has existing relationships with food banks. However, for some, there are no known partners in the area to facilitate food scraps. They are working within their means and capabilities to address the issue at hand.

As a member noted, being green is not cheap. Partnerships with a pick-up agent, coordinating food scraps and compositing comes as at a cost both in contracts and labor. Mandating these programs increases costs. It increases it at the business level and as a resident when it is impressed upon the municipalities to offer services. There are real costs associated with implementing programs to recycle and reduce food waste and this is an obstacle within the details of LD 1009.

While we appreciate the intent of this legislation to address food waste at the "Point of generation" data notes that consumers are the primary source of food waste. A University of Maine study found that 28 percent of household bagged garbage was food alone—making it the single largest source of household garbage going to landfills. "American households waste, on average, almost a third of the food they acquire, according to economists, who say this wasted food has an estimated aggregate value of \$240 billion annually."¹ On Monday, ReFED (ReFED is a national nonprofit dedicated to ending food loss and waste across the U.S. food system by advancing data-driven solutions) presented in partnership with the Mitchell Center for one of their on-going "Mitchell Center Talk Series." ReFED also reiterated that

¹ <https://www.aaea.org/about-aaea/media--public-relations/press-releases/are-you-wasting-1800-a-year-from-unused-groceries>

homes create 30M Tons of food waste and are 37% of the total food surplus issue². Presenter Angel Veza noted the top cause for food waste is actually date label concerns, followed by handling errors and spoilage. There have been strong efforts federally to address date labeling and we see further opportunity here. Surplus food occurs with farmers, manufacturers, consumer facing businesses (retail, restaurants, healthcare, assisted living facilities, military, etc.) and consumers themselves. It is not a singular problem nor source, it's a collective outcome across the supply chain.

The proponents of LD 1009 tout the success of Vermont's food diversion bill; an important point of distinction is that Vermont's food diversion program is a part of their state's large, overarching Universal Recycling Law. Their statewide recycling law was passed in 2012, and set in place a comprehensive recycling infrastructure. Similarly, to the proposed amended language for LD 1009, food waste must be diverted yet VT's law specifically notes that certified facilities are within 20 miles.³ If there is interest to replicate Vermont's law, we encourage the Committee and the DEP to study their infrastructure specifics including separation, collection and waste management. A phase-in approach starting in 2025 does not give adequate time to develop the necessary infrastructure of collection, hauling, and processing to accommodate the largest food surplus producers.

The definition of "heavily packaged" food causes significant concern. For example, in larger grocery stores, each department's surplus food is co-mingled both packaged and non-packaged as they are combined for recovery. Stores actively make decisions to prevent items from being unsaleable. Items are set aside for donations, livestock feed or recycling. A concern is with the bill's interest in requiring the separation of packaged and non-packaged goods. This would be quite labor intensive. In fact, some of our smaller grocers, particularly in Northern Maine, noted this is a key barrier that prevents them from participating in composting and recycling programs.

To proactively learn more about this issue, I reached out to my counterpart in Vermont. My counterpart is specifically hearing that "most customers fail to sort, which requires staff to sort. This increases the potential for harm, increases staffing costs, and reduces staff capacity to provide customer service." This is of increasing concern in the current labor market.

We highly recommend that the Committee and sponsor consult with the University of Maine's Senator George J. Mitchell Center for Sustainability Solutions.⁴ In conversations with team members, it is our understanding that they have not yet consulted on this proposed legislation.

- In 2017, the Mitchell Center facilitated an in-depth stakeholder discussion stemming from the passage of LD 1534, 'An Act To Reduce Food Waste in Maine', Chapter 369 public law. Upon the completion of the stakeholder meeting, a full 22-page report was published.⁵ The group convened meaningful conversations with a wide breadth of interested parties including municipal officials, farmers and food producers, grocers and restaurateurs, environmental organizations, waste management industries, waste haulers, food recovery and non-profit hunger relief organizations, food safety experts, composters and anaerobic digesters and institutions such as hospitals and schools. "WASTE IS NOT THE MAINE WAY" published in January 2018 reports on both the opportunities and barriers to addressing Food Waste Recovery in Maine. The good work of the Mitchell Center continues beyond the resolve. The Mitchell Center has developed a Maine Food Donor Tool Kit.
- The Mitchell Center released a report in May 2020, 'Solutions for Food Loss in the State of Maine: A Sustainable Approach to Food Waste Management: The triple bottom line for Producers in Maine and Beyond' in which in the report they reported six solutions: Solution #1: Track & Measure Food Waste - Maine's "Measure to Save Food" System, Solution #2: Connect Maine Food Available with Food Needed, Solution #3: Create Maine Food Producer Program to Educate Mainers About Food Waste Problem, Solution #4: Build Maine's Fresh Food Handling/Processing Infrastructure, Solution #5: Create A Maine Food Producer Donation Assistance Program,

² https://refed.org/food-waste/the-problem/#what_is_food_waste

³ https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/Universal-Recycling/Timeline-factsheet_CURRENT.pdf

⁴ <https://umaine.edu/mitchellcenter/road-to-solutions/food-waste-management-empowering-maine-businesses-toward-sustainability/>

⁵ <https://umaine.edu/mitchellcenter/materials-management/ld-1534-final-report/>

and Solution #6: Divert Food Waste from Maine Landfills (Using Composting or Anaerobic Digestion). The Mitchell Center continues to focus their efforts on these key 6 areas of opportunity.

- They are preparing to host their 3rd annual 'Maine Food Waste Solutions Summit' online event on April 14, 2023. It is hosted in partnership with Food Rescue Maine. We look forward to attending and learning more to address solutions amongst the many stakeholders invited — farms, food businesses, feeding partners, community leadership, government and nonprofit organizations. We also encourage the Committee and sponsors to attend to hear more from stakeholders who could not join at today's hearing.
- The Maine Grocers & Food Producers Association is honored to have an existing shared relationship with the Mitchell Center. We are an active participant in their projects and promoter of their findings.

MGFPA's members support a stronger local food system and increased access to reducing food waste and increasing access to address food insecurity. We also recommend that the Committee reach out to the state's largest food bank(s) to glean further insight from their perspective. It is important that the donation infrastructure and specified paths for food donations are strategic and efficient so that donations do not overwhelm them with goods that do not fit within their model.

We would also like to point out the opportunity to further support DEP's Waste Diversion Grants. They are offered statewide to increase composting and recycling opportunities around Maine, aiming to divert waste from disposal. In December of 2022, almost \$100K was awarded to a variety of communities for recycling transportation and food scrap collection program infrastructure and operations development. In particular, the City of Rockland, which is a partner with the Mitchell Center, received \$13K to improve the city's overall composting operations. In addition, complementing these state grants, there are USDA Rural Utility Services Solid Waste Management Grants.⁶ These pilot programs are happening and proving themselves. It's important to understand how these operations work on a smaller scale before launching at the state level.

In hearing from ReFED on Monday, they cautioned about policy that results in unintended consequences. They expressed and we agree that there is a great need for consumer education for policy to be effective. When asked specifically about policies, ReFED noted that policies that best support innovation in the space are rebates and tax incentives. This mirrors, the Mitchell Center's report, "Providing a state-level tax credit to assist food producers to donate food can eliminate some of the barriers associated with donation. The Harvard Food Law and Policy Clinic suggests that tax credits offer advantages to both small and large businesses, unlike tax deductions, which tend to benefit large businesses disproportionately."⁷

There is a lot to be gleaned from our regional neighbors and we think it warrants careful consideration as to what practices and policies have been effective and feasible and what may in turn work here in Maine.

Thank you for the opportunity to provide testimony.

Christine Cummings

Christine Cummings
Executive Director

⁶ <https://www.usda.gov/foodlossandwaste/funding>

⁷ <https://umaine.edu/mitchellcenter/wp-content/uploads/sites/293/2018/01/FINAL-FULL-REPORT.pdf>