

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 938

Short Title: Reduce Food Waste in North Carolina. (Public)

Sponsors: Representatives Hawkins, Ager, and Brown (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

May 12, 2021

A BILL TO BE ENTITLED
AN ACT TO RAISE PUBLIC AWARENESS REGARDING FOOD WASTE IN NORTH
CAROLINA BY DESIGNATING THE THIRD THURSDAY IN SEPTEMBER AS FOOD
WASTE PREVENTION DAY, BY URGING FOOD RETAILERS IN THIS STATE TO
REDUCE FOOD WASTE, BY ESTABLISHING A PUBLIC AWARENESS CAMPAIGN
FOR FOOD WASTE, BY CREATING THE STATE FOOD WASTE TASK FORCE, AND
BY APPROPRIATING FUNDS TO MAKE THE SAFE PLATES PREPARED FOOD
WASTE REDUCTION PROGRAM ACCESSIBLE STATEWIDE.

Whereas, food waste is a widespread epidemic that has substantial social, financial,
and environmental repercussions; and

Whereas, federal and State laws aimed at encouraging and incentivizing food
donations from both businesses and individuals have been implemented to prevent food waste;
and

Whereas, while many prospective business donors are hesitant to donate excess food
due to the threat of liability for food-related injuries or deaths, the federal "Bill Emerson Good
Samaritan Food Donation Act" provides robust civil and criminal protections to all people and
businesses who, in good faith, donate wholesome food to nonprofit organizations for distribution
to needy individuals; and

Whereas, the federal government also offers businesses an enhanced tax deduction
for food donations made to public charities and other qualifying nonprofit organizations; and

Whereas, despite various efforts to curb food waste, according to the United States
Environmental Protection Agency, as much as 40 percent, or 160 billion pounds, of all food
produced in the United States each year is never eaten; and

Whereas, while Americans dispose of millions of tons of food, the United States
Department of Agriculture indicates that 12.3 percent of households in 2016 did not have
consistent access to enough food for an active, healthy life; and

Whereas, households can reduce food waste in a variety of ways, including buying
no more groceries than are expected to be used for meals, preparing perishable foods soon after
shopping, storing fruits and vegetables for maximum freshness, and being mindful of old
ingredients and leftovers that need to be used; and

Whereas, reducing food waste helps businesses and consumers save money, lessens
methane emissions from landfills, conserves energy and resources for future generations, and
provides support to those in the community who do not have enough to eat; Now, therefore,
The General Assembly of North Carolina enacts:



FOOD WASTE PREVENTION DAY

SECTION 1. Chapter 103 of the General Statutes is amended by adding a new section to read:

"§ 103-17. Food Waste Prevention Day.

The third Thursday in September of each year is designated as Food Waste Prevention Day."

URGE LARGE FOOD RETAILERS IN THE STATE TO REDUCE FOOD WASTE

SECTION 2.(a) The General Assembly finds the following:

- (1) The Institution of Mechanical Engineers estimates that, annually, between one-third and one-half of all food produced is wasted worldwide, and the English newspaper, The Guardian, estimates that approximately forty-five percent (45%) of all fruits and vegetables, thirty-five percent (35%) of fish and seafood, thirty percent (30%) of cereals, and twenty percent (20%) of meat and dairy products are wasted by suppliers, retailers, and consumers every year.
- (2) Large food retailers stand in a unique position to address this global food issue. Because of their direct links with farmers, processors, and consumers, retailers have the power to influence every facet of the supply chain; and because the traditional supermarket industry is highly concentrated, retailers have considerable market power to make change.
- (3) Food retailers have already indicated that they are fully committed to engaging in responsible food waste reduction and diversion practices through such means as food donation, composting, and effective inventory management.
- (4) Although food retailers are dedicated to reducing food waste, one obstacle to food waste prevention among large food retailers is that the high volume, low margin business model makes these retailers vulnerable to threats such as competition, increasing wholesale prices, and changing consumer demands.
- (5) There are ways for large food retailers to further reduce food waste as it occurs in food farming and food production, in the stores themselves, and during consumption, while still managing competitive and strategic challenges by strengthening retail partnerships with food suppliers and connecting with customers' needs and wants in new ways.

SECTION 2.(b) The General Assembly urges large food retailers in this State to do the following to combat the problem of food waste:

- (1) Upgrade inventory systems with the latest technology, reduce excess inventory and handling, and reduce the amount of perishables that ultimately go to waste.
- (2) Partner with farmers in the supply chain, and work directly with farmers or encourage their intermediaries to increase collaboration with farmers, in order to reduce agricultural food waste. If retailers treat farmers as partners rather than contractors, they can invest in the long-term sustainability of the supply chain instead of maximizing returns from a product in the short term.
- (3) Modify traditional store practices that increase waste and create new practices to reduce waste, such as lowering unreasonably high cosmetic standards for fruit and vegetables and ceasing to reject even marginally imperfect-looking food; building nationwide systems to distribute surplus edible food to charities; urging food manufacturers to utilize a food expiration date labeling system, which is consistent with the uniform, nationwide expiration date labeling system established by the Food Marketing Institute and the Grocery Manufacturers Association; and finding new ways to display produce while

- 1 reducing stock levels, thereby reducing labor and damage, and permitting
2 produce to stay fresher for longer periods.
- 3 (4) Team up with consumers to reduce food waste by providing free literature
4 containing waste reduction tips and recipes to utilize leftovers, teaming up
5 with chefs to demonstrate how to utilize leftover ingredients and food, and
6 organizing "waste less" campaigns that use crowdsourcing and other social
7 media initiatives to interact with consumers and gather ideas for food waste
8 and hunger prevention.
9

10 PUBLIC AWARENESS CAMPAIGN REGARDING FOOD WASTE

11 **SECTION 3.(a)** The Department of Agriculture and Consumer Services, in
12 consultation with Rise Against Hunger North Carolina, shall do all of the following:

- 13 (1) Establish a public awareness campaign to educate the public about food waste
14 prevention by raising awareness regarding:
15 a. Strategies to reduce wasteful shopping which may include the benefits
16 of creating a shopping list.
17 b. The benefits of freezing meat close to the expiration date.
18 c. The meaning of date label definitions such as "use by," "sell by," and
19 "best by."
- 20 (2) Take appropriate measures to encourage the reduction of food waste through
21 donating or composting leftover food.
- 22 (3) Develop and distribute appropriate informational materials regarding food
23 waste, which may include, but need not be limited to, the use of social media,
24 television, radio, or print media.

25 **SECTION 3.(b)** There is appropriated from the General Fund to the Department of
26 Agriculture and Consumer Services the sum of fifty thousand dollars (\$50,000) in nonrecurring
27 funds for the 2021-2022 fiscal year for support of the public awareness campaign created by this
28 section.

29 **SECTION 3.(c)** Subsection (b) of this section becomes effective July 1, 2021.
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31 STATE FOOD WASTE TASK FORCE

32 **SECTION 4.(a)** There is established in the Department of Health and Human
33 Services the North Carolina Food Waste Task Force, which shall be responsible for identifying
34 and examining the factors that lead to food waste in the State and identifying strategies, policies,
35 and legislative and executive actions that may be used to accomplish all of the following:

- 36 (1) Prevent food waste.
37 (2) Increase food donations.
38 (3) Provide consumers with education on food storage.
39 (4) Lower unreasonably high cosmetic standards for fruit and vegetables.
40 (5) Cease or significantly reduce the rejection of even marginally
41 imperfect-looking food.
42 (6) Build new statewide systems and strengthen existing local systems to
43 distribute surplus edible food to charities.
44 (7) Eliminate unnecessary State statutes or regulations that contribute to food
45 waste.
46 (8) Modify "best by" food labels, consistent with uniform national standards, to
47 inform consumers of the latest possible date food can be safely consumed.

48 The work undertaken by the task force shall supplement and be consistent with
49 existing efforts and commitments to reduce food waste, including food donation efforts,
50 composting efforts, date labeling efforts, and effective inventory management practices, which
51 have been, or are being, undertaken at the national level pursuant to a uniform, nationwide model.

SECTION 4.(b) The task force shall consist of 14 members, including the Secretary of Health and Human Services, the Commissioner of Agriculture, and the Secretary of Environmental Quality, or their designees, who shall serve ex officio and 11 public members who shall be appointed as follows: (i) one representative each from four major food retailers, two of whom shall be appointed by the Governor, one of whom shall be appointed by the President Pro Tempore of the Senate, and one of whom shall be appointed by the Speaker of the House of Representatives; (ii) three public members appointed by the Governor, with one member to be appointed upon recommendation by the Executive Director of Feeding the Carolinas, one member to be appointed upon recommendation by the Chief Executive Officer of Rise Against Hunger North Carolina, and one member to be appointed upon recommendation by Community Food Strategies; and (iii) four private citizens with relevant expertise in food waste issues or food management practices, two of whom shall be appointed by the Governor, one of whom shall be appointed by the President Pro Tempore of the Senate, and one of whom shall be appointed by the Speaker of the House of Representatives.

Vacancies in the membership of the Task Force shall be filled as provided for the original appointments.

The Task Force shall organize as soon as practicable following the appointment of its members and shall select a chairperson from among its membership. The chairperson shall appoint a secretary who need not be a member of the Task Force.

Members of the Task Force shall receive subsistence and travel allowances at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate. With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. With the prior approval of the Legislative Services Commission, the Commission may hold its meetings in the State Legislative Building or the Legislative Office Building. The Task Force may also meet at various locations around the State in order to promote greater public participation in its deliberations. The Task Force, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request that all officers, agents, agencies, and departments of the State provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them. The Task Force may meet during a regular or extra session of the General Assembly.

SECTION 4.(c) The Task Force shall report its findings and recommendations for further legislative or executive actions to the 2022 Regular Session of the 2021 General Assembly no later than May 1, 2022. The Commission shall terminate upon the filing of its final report.

SAFE PLATES FUNDS

SECTION 5.(a) There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of fifty thousand dollars (\$50,000) in nonrecurring funds for the 2021-2022 fiscal year to be allocated to North Carolina State University for the Safe Plates Program to develop standard operating procedures and recommend best practices with tracking documents and resources for unserved prepared food recovery, which will be disseminated throughout the State through a series of virtual training sessions. These standard operating procedures will provide guidance to county health departments and community prepared food recovery programs, including how to safely recover and distribute prepared food during the ongoing COVID-19 pandemic to address the growing problem of food insecurity.

SECTION 5.(b) This section becomes effective July 1, 2021.

SECTION 6. Except as otherwise provided, this act is effective when it becomes law.