To Congress:

We write to you today to discuss the issue of food insecurity and food waste in the United States. During the coronavirus pandemic, levels of food insecurity increased dramatically: In 2021, an unprecedented 42 million people were estimated to have experienced food insecurity.¹

At the same time, $408 billion is spent processing, transporting, storing, and disposing of food that’s never eaten each year, meaning millions of pounds of fresh food goes to waste.²

The issue is not so much lack of food—it’s the inability to effectively leverage our food system to get food where it serves its most beneficial purpose. In 1996, Congress passed the bipartisan Federal Bill Emerson Good Samaritan Food Donation Act (42 U.S. Code § 1791), which was designed to encourage companies to donate their surplus food and grocery products to nonprofits. While the act provides civil and criminal liability protection to food donors and food recovery organizations, some parts of it are unclear. So many food manufacturers, retailers, farmers, and restaurants still cite fear of liability as one of the main reasons they don’t donate.

That is why we, the undersigned companies and nonprofits, urge you to support the bipartisan Food Donation Improvement Act of 2021 (S.3281/H.R.6251), which would help increase food donation and reduce food waste by updating long-standing food donation liability protections. Enactment of this legislation would help a wider number of organizations to donate and rescue surplus food in three key ways:

- It extends liability protections to food that is sold at an extremely discounted price (i.e. food sold at a social supermarket) as current law only protects food donations where the end participant receives food free of charge.
- It extends liability protections to certain direct donations made by qualified donors directly to those in need. Current law only covers donations to nonprofits, which creates an unnecessary barrier for grocers, restaurants, school food authorities, and other organizations looking to donate food directly to those in need.
- It directs USDA to clarify the quality and labeling standards that donated food products must meet to be eligible for liability protection.

Additionally, the Food Donation Improvement Act of 2021 has bicameral, bipartisan support. It was introduced by Senators Blumenthal and Toomey in the Senate and

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Representatives McGovern, Pingree, Newhouse, and Walorski in the House. At the time of writing, the bill is co-sponsored by Representatives Keller, Reschenthaler, Wild, Hayes, Norton, Brown, and Stansbury, as well as Senator Braun.

We believe that passing the Food Donation Improvement Act of 2021 is a crucial step toward making food security a reality, and we urge members of Congress to consider supporting the bill, as well as prioritizing its passing. Thank you for your attention, and we welcome the opportunity to collaborate with you on this important issue.

The undersigned companies and nonprofit organizations include:

WW International, Inc.
New York, NY

Harvard Law School Food Law and Policy Clinic
Cambridge, MA

Grubhub
Chicago, IL

Ahold Delhaize USA
Salisbury, NC

Beyond Hunger
Oak Park, IL

Blue Apron
New York, NY

Bread for the World
Washington, DC

ButcherBox
Boston, MA

Center for EcoTechnology
Pittsfield, MA

City Harvest
New York, NY

Clean Memphis
Memphis, TN

DC Central Kitchen
Washington, D.C.

Denver Mayor's Office
Denver, CO

Dole Packaged Foods, LLC
Westlake Village, CA

Eat Just, Inc.
San Francisco, CA

Environmental Health and Food Safety
Memphis, TN

Farmers Fridge
Chicago, IL

Farmstead
Burlingame, CA

Food for Climate League
Chicago, IL

Food For Free
Cambridge, MA

Food Recovery Network
Washington, D.C.

Food Rescue US - Detroit
Detroit, MI

Food Rescue US
Stamford, CT

Food Tank
Baltimore, MD

Goodr
Atlanta, GA
Greater Cincinnati Regional Food Policy Council  
Cincinnati, OH

Hunger Network Food Rescue  
Cleveland, OH

Hellmann’s  
Englewood Cliffs, NJ

Hope’s Harvest  
Providence, Rhode Island

Illinois Environmental Council  
Springfield, IL

Impossible Foods  
Redwood City, CA

Institute for Local Self-Reliance  
Washington, DC

JEE Foods  
Hamilton, Ohio

Just Salad  
New York, NY

Keep Austin Fed  
Austin, TX

The Kroger Co.  
Cincinnati, Ohio

Make Food Not Waste  
Detroit, MI

Misfits Market  
Delanco, NJ

Midwest Food Bank  
Normal, IL

Natural Resources Defense Council
New York, NY

Northern Virginia Food Rescue
Manassas, VA

Our Daily Bread Soup Kitchen and Social Center
Cincinnati, OH

Panera Bread
St. Louis, MO

Rescuing Leftover Cuisine
New York, NY

Rethink Food
New York, NY

Share My Meals
Princeton, NJ

Second Servings of Houston
Houston, TX

Too Good To Go
New York, NY

Unilever United States
Englewood Cliffs, NJ

We Don’t Waste
Denver, CO

Your Store of the Queen City
Cincinnati, OH