



Jesse Arreguín
City Councilmember, District 4

ACTION CALENDAR

January 26, 2016

(Continued from December 15, 2015)

To: Honorable Mayor and Members of the City Council
From: Councilmember Jesse Arreguín
Subject: Referral to City Manager: Donation of Unsold Food to Charities

RECOMMENDATION

Refer to the City Manager and Zero Waste Commission to develop an ordinance for Council consideration requiring supermarkets in Berkeley to donate their unsold food to charity. If no longer edible for human consumption require that it be donated for animal feed or compost.

BACKGROUND

Approximately 40% of food produced in the United States is thrown out, which equates to \$165 billion or 20 pounds of food per person a year. Food waste in the United States has increased by 50% in over 40 years, while 49.1 million Americans live in food-insecure households. Much of this is due to confusion and fears over “sell by” dates, which actually is an arbitrary date with no scientific backing. In most cases, food that is “expired” is still perfectly edible, but supermarkets decide to throw it out regardless.

France passed a law in May 2015 preventing supermarkets from throwing away or destroying unsold food. The law, which was passed unanimously, requires supermarkets that are 4,305 square feet (400 square meters) or larger to sign a contract with charities or face fines. If the food is no longer edible or usable for human consumption then the law requires that it be donated for animal feed or composting. The law also creates a food waste educational program for schools and businesses.

On October 21, 2015, the Associated Students of the University of California unanimously supported a resolution raising awareness of food security and urging the Berkeley City Council to pass a bill similar to the French law. Just as other European nations are looking to France as a leader on preventing food waste, Berkeley can lead the way in the United States.

FINANCIAL IMPLICATIONS

Staff time involved in developing an ordinance for Zero Waste Commission and City Council consideration.

ENVIRONMENTAL SUSTAINABILITY

Reducing food waste will reduce greenhouse gas emissions. It is estimated that food waste is responsible for 7% of global GHG emissions.

CONTACT PERSON

Jesse Arreguin, Councilmember, District 4 510-981-7140

Attachments:

- 1: Article on French Law
- 2: ASUC Resolution on Food Security

France to force big supermarkets to give unsold food to charities

Legislation barring stores from spoiling and throwing away food is aimed at tackling epidemic of waste alongside food poverty

Angelique Chrisafis in Paris

Friday 22 May 2015 13.59 EDT

French supermarkets will be banned from throwing away or destroying unsold food and must instead donate it to charities or for animal feed, under a law set to crack down on food waste.

The French national assembly voted unanimously to pass the legislation as France battles an epidemic of wasted food that has highlighted the divide between giant food firms and people who are struggling to eat.

As MPs united in a rare cross-party consensus, the centre-right deputy Yves Jégo told parliament: “There’s an absolute urgency - charities are desperate for food. The most moving part of this law is that it opens us up to others who are suffering.”

Supermarkets will be barred from deliberately spoiling unsold food so it cannot be eaten. Those with a footprint of 4,305 sq ft (400 sq m) or more will have to sign contracts with charities by July next year or face penalties including fines of up to €75,000 (£53,000) or two years in jail.

“It’s scandalous to see bleach being poured into supermarket dustbins along with edible foods,” said the Socialist deputy Guillaume Garot, a former food minister who proposed the bill.

In recent years, French media have highlighted how poor families, students, unemployed or homeless people often stealthily forage in supermarket bins at night to feed themselves, able to survive on edible products which had been thrown out just as their best-before dates approached.

But some supermarkets doused binned food in bleach to prevent potential food-poisoning by eating food from bins. Other supermarkets deliberately binned food in locked warehouses for collection by refuse trucks to stop scavengers.

The practice of foraging in supermarket bins is not without risk - some people picking through rotten fruit and rubbish to reach yoghurts, cheese platters or readymade pizzas

have been stopped by police and faced criminal action for theft. In 2011, a 59-year-old father of six working for the minimum wage at a Monoprix supermarket in Marseille almost lost his job after a colleague called security when they saw him pick six melons and two lettuces out of a bin.

Pressure groups, recycling commandos and direct action foraging movements have been highlighting the issue of waste in France. Members of the Gars'pilleurs, an action group founded in Lyon, don gardening gloves to remove food from supermarket bins at night and redistribute it on the streets the next morning to raise awareness about waste, poverty and food distribution.

The group and four others issued a statement earlier this year warning that simply obliging supermarket giants to pass unsold food to charities could give a "false and dangerous idea of a magic solution" to food waste. They said it would create an illusion that supermarkets had done their bit, while failing to address the wider issue of overproduction in the food industry as well as the wastage in food distribution chains.

The law will also introduce an education programme about food waste in schools and businesses. It follows a measure in February to remove the best-before dates on fresh foods.

The measures are part of wider drive to halve the amount of food waste in France by 2025. According to official estimates, the average French person throws out 20kg-30kg of food a year - 7kg of which is still in its wrapping. The combined national cost of this is up to €20bn.

Of the 7.1m tonnes of food wasted in France each year, 67% is binned by consumers, 15% by restaurants and 11% by shops. Each year 1.3bn tonnes of food are wasted worldwide.

The Fédération du Commerce et de la Distribution, which represents big supermarkets, criticised the plan. "The law is wrong in both target and intent, given the big stores represent only 5% of food waste but have these new obligations," said Jacques Creyssel, head of the organisation. "They are already the pre-eminent food donors, with more than 4,500 stores having signed agreements with aid groups."

The logistics of the law must also not put an unfair burden on charities, with the unsold food given to them in a way that is ready to use, a parliamentary report has stipulated. It must not be up to charities to have to sift through the waste to set aside squashed fruit or food that had gone off. Supermarkets have said that charities must now also be properly equipped with fridges and trucks to be able to handle the food donations.

The French law goes further than the UK, where the government has a voluntary agreement with the grocery and retail sector to cut both food and packaging waste in the supply chain, but does not believe in mandatory targets.

A report earlier this year showed that in the UK, households threw away 7m tonnes of food in 2012, enough to fill London's Wembley stadium nine times over. Avoidable household

food waste in the UK is associated with 17m tonnes of CO2 emissions annually.

Topics

France

Food

Europe

Waste

Recycling

More...

Save for later Article saved

Reuse this content



Senate Resolution No. 2015/2016-017

A Resolution in Support of Food Security

Primary Sponsor

Diana Nguyen (ASUC Senator)

Cosponsors

Matthew Lewis (ASUC Director of Local Affairs), Yordanos Dejen (ASUC President), Marium Navid (ASUC External Affairs Vice President), Sheena Paul (ASUC Senator), Wes Adrianson (ASUC Senator), Benedicto Llave (ASUC Senator), Andre Luu (ASUC Senator), Rachel Schuster (ASUC Senator), Cuauhtemoc Salinas (ASUC Senator), Karthik Prasad (ASUC Senator), Sina Rashidi (ASUC Senator), Jason Tang (ASUC Senator) Alicia Lau (ASUC Senator)

WHEREAS, almost 40% of all food produced in the United States is never eaten;¹ and

WHEREAS, Americans annually throw away \$165 billion worth of food;² and

WHEREAS, this is equivalent to discarding approximately 20 lbs. per person-month;³ and

WHEREAS, this is enough food to fill 730 football stadiums every year⁴; and

WHEREAS, the amount of food waste has increased by about 50% since 1974;⁵ and

WHEREAS, in 2013, 49.1 million Americans were part of food-insecure households;⁶ and

¹ <https://www.youtube.com/watch?v=i8xwLWb0ILY>

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

WHEREAS, this is an extremely wasteful use of labor and resources, including water;⁷ and

WHEREAS, California is one of the largest food producers, including 84% of American peaches, 94% of American plums, 99% of American artichokes, and 94% of American broccoli;⁸ and

WHEREAS, California is currently in a significant drought; and

WHEREAS, sending large amounts of food waste produces methane, which produces methane gas, a greenhouse gas more than 20 times as potent as carbon dioxide;⁹ and

WHEREAS, grocery stores and other food sellers will purposefully overstock food for purely visual reasons in order to increase sales;¹⁰ and

WHEREAS, 91% of consumers report occasionally discarding food which has passed its “sell by” date due to safety concerns;¹¹ and

WHEREAS, many people incorrectly assume that “sell by” and similar labeled dates on products reflect a uniform safety standard; and

WHEREAS, with the exception of baby formula, the federal government does not require any food to carry an expiration date;¹² and

WHEREAS, state law significantly vary on their requirements for such information;¹³ and

WHEREAS, nine states do not require any labels at all;¹⁴ and

WHEREAS, such dates actually represent a manufacturer’s estimate of when a food will be the highest quality (e.g. freshness);¹⁵ and

WHEREAS, producers thus have a financial incentive to make these dates earlier than necessary to encourage grocery markets to replace their products more often;¹⁶ and

WHEREAS, such dates are therefore functionally meaningless; and

WHEREAS, many supermarkets throw away “expired” food before their “sell by” dates because people think such dates have an actual meaning;¹⁷ and

⁷ *Ibid.*

⁸ thinkprogress.org/climate/2015/05/05/3646965/california-drought-and-agriculture-explainer/

⁹ <https://www.youtube.com/watch?v=i8xwLWb0ILY>

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

WHEREAS, many stores mistakenly believe that they face legal liability if someone gets sick from eating such “expired” food;¹⁸ and

WHEREAS, this results in many supermarkets throwing away such food instead of donating it;¹⁹ and

WHEREAS, a June 2013 University of Arkansas School of Law study, “Food Recovery: A Legal Guide,” failed to find a single case of such lawsuits;²⁰ and

WHEREAS, the federal Bill Emerson Good Samaritan Food Donation Act provides legal protection from such lawsuits;²¹ and

WHEREAS, earlier this year, France passed a law requiring supermarkets to donate edible food instead of throwing away such food;²² and

WHEREAS, the French National Assembly unanimously passed the law;²³ and

WHEREAS, in Britain, such food is often destroyed by pouring chemicals on such food, thereby preventing hungry people from eating it;²⁴ and

WHEREAS, people are now working to introduce such a rule for the entire European Union via petition;²⁵ and

WHEREAS, 21% of UC Berkeley students have reported skipping meals to save money “somewhat to very often,”²⁶

WHEREAS, these and other food insecurity crises have led the ASUC to creating its own food pantry; and

WHEREAS, instituting such a law here would allow the UC Berkeley Food Pantry and other nonprofits to better serve needy students and other community members;²⁷ and

WHEREAS, the ASUC although the UC Berkeley Food Pantry does not currently stock perishable food, its leadership has stated that it is open to doing so; and

THEREFORE BE IT RESOLVED that the Associated Students of the University of California calls on the Berkeley City Council to pass a law similar to the French law; and

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ qtd. in *Ibid.*

²¹ <https://www.youtube.com/watch?v=i8xwLWb0ILY>

²² huffingtonpost.co.uk/2015/05/22/france-food-waste-supermarkets-illegal-bans_n_7422686.html

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ <http://www.bbc.com/news/magazine-33907737>

²⁶ dailycal.org/2015/05/04/asuc-president-email-highlight-food-security-developments-uc-berkeley

²⁷ <http://pantry.berkeley.edu/>

THEREFORE BE IT FURTHER RESOLVED that the Associated Students of the University of California calls on the City of Berkeley to conduct an outreach campaign to make stores more aware of their legal rights to donate food; and

THEREFORE BE IT FURTHER RESOLVED that the Associated Students of the University of California directs the ASUC External Affairs Vice President to work with the the City on implementing such changes; and

THEREFORE BE IT FURTHER RESOLVED that the Associated Students of the University of California calls on Cal Dining to similarly donate such produce to the UC Berkeley Food pantry or another nonprofit; and

THEREFORE BE IT FURTHER RESOLVED that the Associated Students of the University of California directs the ASUC President to write a letter to the Director of Cal Dining expressing such sentiments; and

THEREFORE BE IT FINALLY RESOLVED that the Associated Students of the University of California directs the ASUC External Affairs Vice President to introduce a similar resolution at the University of California Student Association.

