

February 2, 2024

Submitted electronically via regulations.gov.

Attn: Ms. Carolyn Hoskinson, Director
Resource Conservation and Sustainability Division
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, Washington, DC 20460

**Re: Draft National Strategy for Reducing Food Loss and Waste and Recycling Organics;
Docket Number: EPA-HQ-OLEM-2022-0415**

The National Grocers Association (NGA) appreciates the opportunity to provide comment on the Environmental Protection Agency (EPA), US Department of Agriculture (USDA), and Food and Drug Administration's (FDA) [Draft National Strategy for Reducing Food Loss and Waste and Recycling Organics](#) ("National Strategy").

NGA is the national trade association representing retail and wholesale grocers that comprise the independent sector of the food retail and distribution industry. An independent community grocer is a privately owned or controlled food retail company operating in a variety of formats. Independents are the true "entrepreneurs" of the grocery industry and dedicated to their customers, associates, and communities. Much of NGA's membership is comprised of family-owned and family-operated small businesses. Nearly half of NGA's members are single-store operators, and another quarter operate less than five stores. Independent grocers, like those that our members operate nationwide, can be found in areas ranging from urban centers to suburban and rural areas. In many cases, our members provide critical food access for low-income Americans in underserved areas with limited access to grocery stores. Having often been in the business for generations, independent grocers are dedicated to their customers, associates, and communities.

NGA is supportive of government efforts to reduce food waste and reduce barriers to food recovery. Independent retail and grocers are an important part of America's economy and play a critical role in addressing this issue in the food supply chain. Independent grocers across the country have long supported food recovery and donation programs to both reduce food waste and improve food security. Further, community grocery stores have opportunities to provide consumer education tailored to meet the needs of their local communities by partnering with local suppliers, farms, and community organizations.

NGA appreciates that the National Strategy recognizes that close collaboration across the government and food supply chain will be required to reduce food loss and waste. Independent grocers must have a seat at the table to facilitate the effective implementation of strategies to reduce food loss and waste. We offer the comments below for consideration as the agencies finalize the National Strategy.

Objective 2: Prevent the waste of food where possible

Grocers successfully utilize a variety of tools to minimize food waste at retail. Grocers implement stock rotation practices to minimize wasted inventory and guide purchasing orders to maintain shelf stock. Perishable departments within stores generally “huddle” daily to discuss stockings and adjust product ordering as needed. Appropriate handling and management of cold storage items and frozen foods help to ensure products are sold to consumers through their indicated shelf life. Many grocers offer “markdown programs” to sell specific food items at a lower cost and incentivize consumer purchase as items approach the end of their shelf life. Grocers that sell prepared foods, salad stations, or hot bars to consumers are often able to safely repurpose items into dishes that are purchased by consumers instead of going to waste.

Grocers invest resources in employee education to implement these best practices. As USDA considers opportunities to share best practices on food waste reduction, we encourage the Departments to consider how independent grocers can be part of these roundtables.

Facilitate and incentivize food donations to improve access to healthy and affordable food

Independent grocers across the country have long supported food recovery and donation programs in efforts to both reduce food waste and improve nutrition security. Many grocers partner with Feeding America to connect with local food banks through their Food Bank Network.

NGA members most frequently partner with local charitable programs, food banks, pantries, or religious organizations to facilitate donations. These programs are most successful and highly utilized by grocers when food recovery programs can pick up, store, and deliver recovered food to local programs. However, resource limitations continue to be a large barrier for independent grocers. Often, community stores are family-owned and run by a small staff. As a result, can be difficult to dedicate staff resources or time to facilitate food donations. Frequently, food banks or pantries have their own standards for appropriate donations that are inconsistent between local programs. As a result, it is difficult for grocers to keep up with the varying standards.

Given these challenges, we appreciate that under the National Strategy, USDA will provide outreach on the benefits of using tax credits to encourage the donation of food. We believe that providing tax credits to make food donation a financial incentive instead of an additional cost encourages participation and will lead to an increase retailer participation.

Outside of tax incentives, we encourage USDA, EPA, and FDA to consider how to consistently measure food donations to improve surveillance and better assess baseline measures of food waste without a mandate to report food waste. Typically, food recovery programs measure this in pounds of food donated, but others express this metric in dollars donated. The metric to measure food donations is not always consistent.

Food donations and liability protection

NGA appreciates that the USDA has committed to outreach on liability protections under amendments to the Bill Emerson Good Samaritan Food Donation Act. Despite the extended liability protections through the amended Act in 2022, retailers are still concerned about potential legal action related to food donations. There are often concerns, for example, on the donation of products past date labeling marked on a product.

We note that the National Strategy references consumer education on date labeling. While steps have been taken by the FDA and USDA to educate consumers, food donors, and recipients on date labeling, there is more that can be done. We ask FDA and USDA to consider additional opportunities to clarify date labeling as part of their efforts to reduce food loss and waste. USDA and FDA should provide education, not just for consumers but across the supply chain.

Impacts of other federal programs on food waste

NGA suggests that the National Strategy addresses how requirements for other federal regulations, such as federal feeding programs, can impact food waste. For example, USDA is in the process of updating requirements for the WIC food package. In comments to USDA, NGA supported expansions to options on the food package to align with updated dietary guidance but highlighted challenges that minimum stocking requirements for the program can create in terms of food waste.

Over the years, NGA members have struggled and have been penalized for not meeting state-level stocking requirements under the WIC program. Stringent minimum stocking requirements often lead to food waste and economic losses for stores for certain low-demand products. In comments submitted to USDA in February 2023, NGA suggested creating an essential foods package with reasonable stocking requirements and an optional foods package with foods that are encouraged and allowed to be sold but do not have stringent stocking requirements. This will allow our members to meet the needs of their communities while also reducing food waste and economic losses. We urge USDA to consider how requirements within federal nutrition assistance programs can impact food waste. We recommend that the National Strategy address the need to evaluate current federal regulations and remove barriers for those that lead to increased food waste across the supply chain.

Consumer education and interventions

Independent grocers can play a critical role in educating consumers on food waste prevention. They are on the front lines, serving community members every day, and can tailor communication for their specific communities. For example, grocers can provide resources to consumers and share education on strategies to reduce food waste during food preparation.

As the EPA, USDA, and FDA consider interventions at the retail level aimed at helping consumers waste less food, we encourage the agencies to consider how such interventions apply to independent grocers. Independent grocers should have a seat at the table to provide input on which interventions would be most effective and utilized for smaller businesses.

Objective 4: Support policies that incentivize and encourage food loss and waste prevention and organics recycling

Many grocers participate in recycling and composting programs to reduce organic waste. Similar to the approach to food donations, grocers are often challenged to implement programs such as composting due to the cost of implementation. It is also difficult to navigate the range of state and local policies aimed at keeping organic waste out of landfills.

Federal resources could be dedicated to helping grocers locate and connect to local programs and identify financial incentives to implement these programs. NGA encourages USDA, FDA, and EPA to prioritize coordination with retailers and independent grocers to identify financial incentive opportunities to encourage the adoption of recycling and composting programs.

Conclusion

Independent retail and grocers are an important part of America's economy and play a critical role in addressing the reduction of food waste in the supply. NGA members look forward to working with the EPA, USDA, and FDA on implementing elements of this strategy when it is finalized.

Sincerely,



Stephanie Johnson, RDN
Vice President, Government Relations
National Grocers Association