HON. SYLVIA O. HINDS-RADIX
*Corporation Counsel*

THE CITY OF NEW YORK
**LAW DEPARTMENT**
100 CHURCH STREET
NEW YORK, NY 10007

**COREY TAM / CHRISTEN MACCONE**
*Assistant Corporation Counsels*
(212) 356-2309 / (212) 356-8754
cotam@law.nyc.gov / cmaccone@law.nyc.gov

February 2, 2024

Via Online Submission
U.S. Environmental Protection Agency
U.S. Department of Agriculture
U.S. Food and Drug Administration

**Re: Draft National Strategy for Reducing Food Loss and Waste and Recycling Organics (December 14, 2023) [Docket No. EPA-HQ-OLEM-2022-0415-0001; FRL-9825-01-OLEM]**

To Whom it May Concern:

The City of New York ("City") submits the following comments in response to the United States Environmental Protection Agency, United States Department of Agriculture, and United States Food & Drug Administration's (respectively, "EPA," "USDA," and "FDA," and collectively, the "Agencies") proposed Draft National Strategy for Reducing Food Loss and Waste and Recycling Organics ("Strategy").

The City writes to express its support of the Strategy, which details actions to realize the national goals of halving food loss and waste by 2030 and achieving 50% recycling rate by 2030. Among other things, food loss and waste place disproportionate burdens on tribal communities and communities with environmental justices. Such efforts are important to the City, which continues its own initiatives to encourage reduction of food waste, increase organics recycling, and ensure the availability of healthy and sustainable food choices. The City has served as a leader in the management of food and organic waste generated by residents and institutions.[1] Our policies and procedures at the municipal and institutional levels have been nationally recognized by the very federal agencies soliciting comments. While the City has been honored to serve as a leader in such efforts, the City recognizes that more is needed and a national level of integration is needed in order to effect change and reach the goals set for reducing food loss and waste and increasing recycling rates.

[1] For example: NYC's Community Food Connection Program, formerly known as the Emergency Food Assistance Program (EFAP), was modeled to focus on increasing access to fruits and vegetables, culturally appropriate foods, and the New York City Department of Sanitation has studied greenhouse gas emissions from organic waste with an eye to reducing both waste and GHG emissions, see: https://climate.cityofnewyork.us/citywide-organics-study/.

The City offers the following comments on the specific objectives proposed by the Agencies. These comments follow the same organizational format that the Agencies use in the Strategy.

## 1. Objective 1: Prevent the loss of food where possible

### A. Prevent food loss and optimize the harvest or collection of raw commodities and foods

The City supports the Strategy's focus on deepening collaboration among those growing and producing our food with emergency food providers and schools. The Agencies should emphasize affordability or increasing economic activity in low-income neighborhoods through sales of affordable food. While aid provided by community kitchens, food pantries, and other emergency food providers is helpful, sustainable efforts to help households afford and access wholesome food is a further step needed to advance environmental justice and reduce food waste. Public investment to increase access to affordable food should be made not only to emergency food organizations, but also to environmental justice communities.

Along the same lines, the City suggests that consideration be given to leveraging the Supplemental Nutrition Assistance Program ("SNAP") to reduce food loss and waste. For example, New York State programs like Health Bucks and Double Up Food Bucks double the value of SNAP benefits when spent at authorized farmers markets. This reduces overall waste from markets and farm stands while providing increased access to healthy, local food. A similar model could be used for vendors that sell imperfect food or other local food loss prevention initiatives.

The Agencies might also consider studying the role of government subsidies in mitigating waste generation throughout the food supply chain, which may occur unintentionally. For instance, farms may produce excess amounts of subsidized crops, such as soy, rice, and corn, that are predominantly used in the production of highly processed foods and feed for animals raised for food, thereby contributing to food waste. Food waste can also occur during the processing of these crops, with more waste generated with more processing steps. It can also occur in the storage and transportation of the crops and related products. Understanding how public subsidies and government-mandated price minimums for these commodity crops and related products affect their production, utilization, and ultimate discard is paramount to creating a national strategy to reduce food loss and waste and promoting healthy communities. A targeted effort to reduce or redirect federal subsidies to support plant-centric healthy food access and facilitate a transition to more sustainable food production methods is highly encouraged.

Further, the City urges the Agencies to consider current understandings of the environment and studies to identify what foods will become the leading sources of key nutrients over the next 100 years and encourage the production and consumption of these foods. The overconsumption of ultra-processed foods drives up waste in food processing, packaging and at its source through overproduction.[2] Ultra-processed foods can account for up to one-third of total diet-related greenhouse gas emissions, land use, and food waste and up to one-quarter of total diet-related

[2] P. Seferidi et. al., *The Neglected Environmental Impacts of Ultra-processed Foods*, 4 THE LANCET PLANETARY HEALTH e437 (Oct. 2020).

water-use among adults in range of high-income countries.[3] In efforts to optimize harvest or collection of raw commodities and foods, the Agencies should prioritize practices sustainable for health and the environment.

**B. Reduce food loss in food manufacturing/processing, storage, and distribution**

The City recognizes and values the importance of reducing food loss in processing, storage, and distribution. In researching food packaging materials from biobased and renewable sourced polymers using novel physical processes and chemical modifications, the City urges the Agencies to explore whether secondary waste issues occur. For example, many plastics which are labeled compostable may successfully disintegrate in laboratory settings, but fail to compost in municipal facilities, resulting in contaminated compost. In setting standards for compostable packaging, field-tested settings should be considered in certifying compostable packing. Further, while wrapping fruits and vegetables in flexible plastics may extend the shelf-life and safety of food products, those flexible plastics become a new source of non-recyclable waste. The City believes efforts to extend the shelf-life and safety of food products should be balanced against the creation of more waste through more packaging that is non-recyclable or non-compostable.

**2. Objective 2: Prevent food waste where possible**

**A. Develop, launch and run a national consumer education and behavior change campaign**

- Consideration should be given to the intersections with culinary and/or nutrition education programs and related resources. Lack of time to cook, particularly for anyone working multiple jobs or with caregiving obligations, could play a bigger role in food waste than is acknowledged in the Strategy. The City recommends further exploration of current behaviors creating food waste.
- A national consumer education and behavior change campaign should consider adoption and explanation of alternative metrics, such as shifting from "packaged on" to "best by" dates to reduce food waste. The City believes consumers should have a full understanding of these terms and when food is safe to eat.
- An education and behavior change campaign should not be limited to consumers. In acknowledging that a leading cause of food waste is overproduction, the Agencies should develop a "producer and consumer" education and behavior change campaign.

**B. Educate children and youth about strategies to reduce food waste; encourage development and adoption of lifelong best practices in school to reduce food waste**

- In order to develop accurate and productive strategies for children and youth to reduce food waste, the City recommends federal investment in school food plate-

[3] K. Anastasiou et. al., *A Conceptual Framework for Understanding the Environmental Impacts of Ultra-Processed Foods and Implications for Sustainable Food Systems*, 368 J. OF CLEANER PROD. 133155 (Sept. 2022).

waste studies on consistent intervals, including general food waste assessment and milk waste[4] with a focus on the reimbursement rules for school meals.

- The City supports a holistic approach to food education programming, including teaching students about the environmental impact of food waste and how to mitigate it both in and out of school.
- Increase reimbursements to existing meal programs to employ sanitation station specialists in dining halls to oversee the initial sorting of trash by students and to assist with any further sorting needed prior to waste collections.
- Other opportunities may exist working with educational institutions to offer a culinary degree focusing on sustainability. For example, the City, in collaboration with City University of New York, is developing a culinary degree with a concentration in climate-friendly, health, efficient food service (CHEF) – a curriculum anchored in proven theory with the goal of creating more sustainability-conscious, informed, and efficient culinary professionals, and serves as an upstream approach to reducing food waste through education.

**C. Partner with the private sector to find upstream solutions to consumer food waste**

The City agrees that some of the most effective solutions to reducing consumer waste lie upstream from households. The Agencies should consider creating partnerships or supporting existing initiatives with private entities such as but not limited to public assembly spaces, sports venues, and community meeting sites. Leveraging these partnerships to implement changes to make it easier for consumers and communities to waste less food. For example, the Wave Foundation and the Plant-Powered Carbon Challenge, have already partnered with such upstream private sector members focused on reducing consumer food waste.

**D. Facilitate and incentivize food donations to improve access to healthy and affordable food.**

In facilitating and incentivizing food donations, the Agencies should provide funding to increase capacity of local organizations, like City Harvest, that redirect food that might go to waste from farms, restaurants, grocers, wholesalers, and manufacturers to people food pantries, soup kitchens.

To help incentivize food donations, the Agencies should also enhance education for businesses such as restaurants and wholesales that otherwise may not donate unused food to organizations like City Harvest. Providing sample training to enable businesses to safely manage or distribute food donations, such as training for food handler licenses, food permits, or serve safe certifications would lead to greater amounts of food donations rather than waste. Education for businesses should be developed for HR 6251 Food Donation Improvement Act and expansions to the Bill Emerson Good Samaritan Act protections. The standards around donating foods, when misunderstood by potential food donors, become a limitation on donating and reason for throwing food away. Providing education to food business operators on food donation practices will enable them to prioritize rerouting that food from waste to plates. Education in this realm would also

[4] Milk waste in schools results in up to 45 million gallons of milk wasted each year. This is a specific area of food waste the Agencies can offer guidance on reducing waste by transitioning to milk dispensers and inclusion of plant-based milk alternatives for reimbursement aligning with USDA MyPlate guidance.

enable more businesses to understand their rights and protections when it comes to aiding in feeding their neighbors through utilization of excess food and avoiding food waste. Similarly, guidance for schools to improve source reduction and increase food donation would be beneficial to overcome real and perceived barriers for schools looking to donate excess food to their community.

**3. Objective 3: Increase the recycling rate for all organic waste**

**A. Support the development of additional organics recycling infrastructure through grants and other assistance for all communities, especially those that are underserved.**

The City recommends that the Strategy address potential concerns related to logistics and environmental justice when developing new additional organics recycling infrastructure. First, the City urges the Agencies to consider and develop a framework to permit affordable, long-term access to land for organics recycling operations.[5] This framework could include accessible licensing models for operations on unused public lands. The lack of long-term land access for these operations, such as community-scale composting, poses a substantial barrier to the efforts, as the City has experienced.

Second, while the City agrees it is important to increase organics recycling operations, the City urges the Agencies to develop steps to avoid or mitigate the cumulative impacts to surrounding communities resulting from the siting of organics recycling facilities and the transportation to and from these facilities. Executive Order ("EO") 14,096 states, "Communities with environmental justice concerns face entrenched disparities that are often the legacy of racial discrimination and segregation, redlining, exclusionary zoning, and other discriminatory land use decisions or patterns. These decisions and patterns may include the placement of polluting industries, hazardous waste sites, and landfills . . . ." Allowing land use laws, in their current state, to facilitate the placement of larger organics recycling facilities could unintentionally push them towards communities with existing environmental justice concerns—in opposition to EO 14,096.

The City further recommends that the Strategy augment existing local and state programs and projects dedicated to organics recycling. The Strategy could incentivize the following: modifying municipal leaf and yard compost facilities to accept food waste, adding food waste co-digestion to wastewater treatment processes, and supporting the collection of source-separated organics at existing waste transfer stations. Moreover, the Agencies could increase reimbursements for school, prison, and hospital meal programs by funding the employment of sanitation station specialists to oversee the initial sorting of trash within those facilities. Lastly, the City recommends that the Strategy assist municipalities through grants similar to Solid Waste Infrastructure for Recycling Grant Program to support organic waste drop-off points, like the City's Smart Composting Bins, for those in multi-family homes that are willing but unable to participate in an organics recycling program.

In addition to the measures mentioned in the Strategy, the City recommends the incentivization of co-digestion as an organic recycling strategy at water resource recovery facilities ("WRRF"). For example, the City's co-digestion program has processed 312,000 tons of pre-processed food slurry. This program has reduced potential GHG emissions by not only mitigating

[5] This would include emerging organics recycling technologies, including use of black solider fly larvae, fermentation, pyrolysis, and other advanced thermal treatments.

the amount of food waste going to landfills, but also generating excess biogas, which undergoes treatment before entering into local natural gas pipelines.

The City also encourages the Agencies to support the development of pre-processing infrastructure. Pre-processing prepares food waste for anaerobic digestion and co-digestion, yet currently, most wastewater utilities rely on private actors for pre-processing since this sector is undeveloped. Development of this infrastructure would create a tighter waste infrastructure that is not dependent on as many actors.

Lastly, the City urges the Agencies to develop a national public education campaign for organics recycling alongside its campaign for food waste. The City recommends that the Agencies begin by conducting studies to not only standardize recycling efforts, but also increase transparency of municipal waste allocation. One study could determine how to standardize sorting stations within public institutions like schools, universities, and hospitals and then, within the general public. Another study could go beyond the existing federal waste calculators to provide more granular information about municipal waste, whether conducted privately or publicly, such as where is each waste stream taken, what are the metrics, any reason for operational changes in waste facilities, and more.[6] This latter study would enable the Agencies to create minimum standards and potential goals, including delineating waste responsibility between the manufacturers and consumers, granting opportunities to train and educate consumers of all ages to sort solid waste for composting and recycling, and prioritizing recycling efforts for communities with the highest food waste amounts.

**B. Expand the market for products made from recycled organic waste.**

The City urges the Agencies to comprehensively research the benefits, costs, and impacts of products made from both reused and recycled organic material, and to promote the least wasteful products' market expansion. The Agencies should not limit their efforts to only products made from recycled organic waste. While the City supports EPA's and USDA's continued efforts to support market expansion of products made from recycled organic waste,[7] the premature use of such products could create unintended consequences. For example, without regulations on permissible amounts of these products, it is unclear how these products, such as digestate, soils amended with compost, or even compostable or biodegradable products or whether they may be

[6] For example, in its most recent waste characterization study, the City was able to differentiate the proportion of food waste that was loose food, food in partially opened packaging, and food in completely intact packaging. While this type of data collection could be challenging for certain municipalities, the Agencies should encourage and incentivize data collection methodologies, as relevant.

[7] One potential addition to the Strategy is the requirement that federal contractors to use recycled, locally sourced organics such as wood from trees in earthwork, landscaping, and resiliency projects.

too costly to practically pursue. Further research into products made from recycled organic waste would also assist the discussion in Strategic Action D.

**C. Enhance support to advance de-centralized (i.e., community-scale and home composting) organics recycling**.

The City supports increased funding for existing federal grant programs, such as EPA's Solid Waste Infrastructure for Recycling and USDA's Composting and Food Waste Reduction and Urban Agriculture and Innovation Production.

**E. Address contamination in the organic waste recycling stream.**

The City recommends that the Strategy seek to reduce contamination at its source. For example, forever chemicals (such as PFAS) should be phased out of unnecessary applications. Another similar example is plastic packaging. While the packaging standards in USDA-funded programs, like school meals, are helpful in reducing food waste, they should be weighed against the possibility of creating more packaging waste that is non-recyclable or non-compostable.

To the extent that packaging must be used, the Strategy should ensure that compostable packaging is certified compostable not only in laboratory settings, but also in field-tested settings. As noted above, many plastics that are labelled compostable do not adequately compost in municipal facilities, resulting in contaminated compost that is not as valuable as a soil additive. In addition, the Strategy should promote research of alternatives to plastic, including natural waxes and clays on paper products.

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

**B. Support Tribal, territory, state, and local policymakers aiming to build more circular economies.**

The City recommends that the Strategy utilize international best practices focusing on private sector's role in waste mitigation contained in studies like ReLondon and ReFed.[8] By incorporating international efforts alongside national efforts, the Agencies can form a more holistic approach to tackle food loss and waste prevention and organics recycling.

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The City appreciates the opportunity to comment on the Strategy. Reducing food loss and waste and increasing the recycling of organic materials is a national effort which the City firmly supports. Recognizing that local participation is necessary to effectuate these national policies, the City submits the above comments for the Agencies' consideration.

[8] For more information about ReLondon, visit https://relondon.gov.uk/resources/report-londons-food-footprint. For more information about ReFed, visit https://refed.org/our-work/case-studies/.

Sincerely,

x *Corey Tam*

Corey Tam
Assistant Corporation Counsel (pending bar admission)
Environmental Law Division
New York City Law Department
100 Church Street
New York, NY 10007
(212) 356-2309
cotam@law.nyc.gov

x *Christen T. Maccone*

Christen T. Maccone
Assistant Corporation Counsel (awaiting admission)
Environmental Law Division
New York City Law Department
100 Church Street
New York, NY 10007
(212) 356-8754
cmaccone@law.nyc.gov

cc:
Milagros de Hoz, Senior Policy Advisor, NYC Mayor's Office of Food Policy
Ora Kemp, Senior Policy Advisor, NYC Mayor's Office of Food Policy
Sharon Lewis-Williams, General Counsel, NYC Mayor's Office of Environmental Justice/ Mayor's Office of Urban Agriculture
Kristen James, Associate General Counsel, Mayor's Office of Environmental Justice
Kate Grunin, Associate Counsel, NYC Department of Sanitation
Melinda Sherer, Assistant Counsel, NYC Department of Environmental Protection
Judy Nathan, Senior Executive Deputy Counsel, NYC Department of Education
Ashley Iodice, Chief of Staff, NYC Law Department
Devon Goodrich, Senior Counsel, NYC Law Department
Kami Barker, Senior Counsel, NYC Law Department