



September 27, 2021

Joint Committee on the Judiciary  
24 Beacon St.  
Room 136 and Room 511-C  
Boston, MA 02133

RE: H1702/S954 An Act encouraging the donation of food to persons in need

Dear Chairs Eldridge and Day, and members of the committee:

The Massachusetts Food System Collaborative is pleased to offer this testimony in support of H.1702 / S.954 An Act encouraging the donation of food to persons in need.

According to the MA Department of Environmental Protection, food waste and other organic material make up approximately 21% of the total waste stream in the state, equaling 950,000 tons a year in Massachusetts in 2019. At the same time, approximately one million Massachusetts residents are food insecure, making the disposal of edible food a missed opportunity to better synthesize and strengthen multiple sectors of the food system. Food waste poses an environmental hazard as well, as discarded organic materials in landfills create methane, a greenhouse gas which contributes to climate change. And landfilling or incinerating food waste is expensive for municipalities and has public health and environmental impacts.

These bills eliminate some barriers to donating healthy food to low income residents. If adopted, the bills would address critical elements of a sustainable and equitable food system: financial sustainability for farms, increased access to healthy foods for low-income families, improved health outcomes for vulnerable communities, and climate change mitigation through a reduction in greenhouse gas-generating organic materials sent to landfills. Based on the experiences of other states that have passed similar measures, these bills present a cost-effective way to increase the amount of fresh, healthy, local food available to families in need, while reducing edible food waste.

Thousands of tons of edible food is discarded each year by farms that could instead be donated to nonprofits that distribute the food to people in need. Many farms do not donate surplus produce because it is too costly to harvest, store, and transport excess crops for donation. This bill will provide a tax credit to Massachusetts farmers in the amount of the fair market value of the donated food, with a \$2,000 annual cap per farmer. Because this bill provides a tax credit rather than a tax deduction, more small farmers would see a financial incentive for donating.

Financial incentives have been shown to increase food donations. When the federal government expanded the types of businesses that were eligible for tax deductions for their food donations in 2005, donations increased by 137% the following year. And California has found that every dollar in tax credits to farmers leverages approximately 10-20 pounds of donated food.

Another barrier to food donation is liability concerns. Potential food donors, such as grocery stores and restaurants, are wary of being held liable if someone who consumed the food that they donated becomes

ill. This bill will provide civil liability protection for people or businesses that donate food directly to consumers.

The Collaborative is a network of Massachusetts food system organizations, working to promote, monitor, and facilitate implementation of the Massachusetts Local Food Action Plan. The Plan represents the views of thousands of residents and farms, as well as hundreds of organizations and businesses. It was accepted by and is used to inform the activities of in the Massachusetts Food Policy Council in developing recommendations, including legislative and regulatory changes, to promote sustainability and equity in the Commonwealth's food system. It emphasizes the need for a comprehensive approach to food system policy, where issues of economic development, natural resources, equitable access to resources, and others are all taken into account when considering laws and regulations related to food. We offer this testimony in accordance with the goals and recommendations of the Plan.

You can find the Plan and see how these issues fit into the context of Massachusetts' food system as a whole at <http://mafoodsystem.org/plan>. The Collaborative is available to provide additional information and connections to practitioners and advocates who can offer specific insights on this legislation, at the pleasure of the Committee.

We appreciate the Committee taking up these issues, and urge you to report these bills out favorably. Thank you for the opportunity to provide this testimony.

Sincerely,

A handwritten signature in black ink, appearing to be 'Winton Pitcoff', with a long horizontal line extending to the right.

Winton Pitcoff  
Director