



April 8, 2025

Joint Committee on the Judiciary  
24 Beacon St.  
Rooms 136 and 413C  
Boston, MA 02133

RE: H.3154 / S.1043 An Act encouraging the donation of food to persons in need

Dear Chairs Day and Edwards, and Members of the Committee:

The Massachusetts Food System Collaborative and 30 undersigned organizations are pleased to offer this testimony in support of H. 3154 / S.1043, *An Act encouraging the donation of food to persons in need*. If these bills were passed, thousands of tons of edible food that are not brought to market each year by farms could instead be donated to nonprofits that distribute food to people in need.

According to the Massachusetts Department of Environmental Protection, 21.6% of the state's total waste stream in 2022 was food waste and other organic material<sup>1</sup>. In late 2024, 18.4%, or approximately 1.3 million Massachusetts residents were food insecure<sup>2</sup>, and farmers earn \$0.95 for every \$1 they invest in their business, according to the latest Census of Agriculture. 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 food waste.

These bills eliminate some barriers to donating healthy food to low income residents. Many farms do not donate surplus produce because it is too costly to harvest, store, and transport excess crops for donation. These bills will provide a tax credit to Massachusetts farmers in the amount of the fair market value of the donated food, with a \$25,000 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<sup>3</sup>.

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<sup>1</sup> <https://www.mass.gov/doc/massachusetts-organics-action-plan-november-2023/download>

<sup>2</sup> <https://projectbread.org/hunger-by-the-numbers>

<sup>3</sup> <https://perma.cc/7WV9-L4PH>

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 in good faith.

These bills also have implications on the state's environmental goals, as discarded organic materials in landfills generate 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.

Finally, the purpose of these bills aligns with the state's Solid Waste Master Plan goals which include reducing disposal of many materials, including food, by 30% by 2030 and by 90% by 2050<sup>4</sup>, with additional benefits of capturing the value of materials and fostering local economic and job growth. Reducing food waste is also the objective of the Commercial Food Material Disposal Ban which, as of November 2022, requires businesses generating at least one half ton of food waste per week to divert it from landfills<sup>5</sup>. MassDEP is also currently discussing whether to ban all food material from the waste stream by 2030, and these bills would assist more edible food being directed to those in need instead of compost systems.

The Collaborative leads collective action towards a sustainable, equitable, resilient local food system through advocacy campaigns and networks. We work with hundreds of food system partners across the Commonwealth who help us identify our legislative priorities, including farmland access and protection.

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,

Rebecca Miller, Policy Director

On behalf of the Massachusetts Food Waste Reduction Network:

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<sup>4</sup> <https://www.mass.gov/guides/solid-waste-master-plan>

<sup>5</sup> <https://www.mass.gov/guides/commercial-food-material-disposal-ban>

Berkshire Bounty, Berkshire County  
Berkshire Grown, Great Barrington  
Boston Area Gleaners, Acton  
Central Mass Grown, Rutland  
Community Involved in Sustaining Agriculture (CISA), South Deerfield  
Community Servings, Jamaica Plain  
Conservation Law Foundation, Boston  
Farming Falmouth, Falmouth  
Food Bank of Western Massachusetts, Hatfield  
Food Link, Arlington  
Friends of Holly Hill Farm, Cohasset  
Garbage to Garden, Saugus  
Island Grown Initiative, West Tisbury  
Mobile Ministries, Inc., North Dartmouth  
New Bedford School District, New Bedford  
NOFA/Mass, Florence  
Northeast Harvest, Topsfield  
Nourishing the North Shore, Newburyport  
Project Bread, East Boston  
Rachel's Table, Worcester  
SEMAP (Southeastern Mass. Agricultural Partnership), Dartmouth  
Spoonfuls, Newton  
Sustainable Business Network of Massachusetts, Boston  
The Boys & Girls Clubs of Metro South, Brockton and Taunton  
The Greater Boston Food Bank, Boston  
The Marion Institute's Southcoast Food Policy Council, Marion  
The Open Door, Gloucester  
United Way of Greater New Bedford, New Bedford  
Veterans Association of Bristol County, Fall River  
YMCA Southcoast, New Bedford