

Policies to Fight Hunger and Food Waste in the LAC Region

Emily Broad Leib
Clinical Professor of Law & Director
Harvard Law School Food Law and Policy Clinic



About FLPC

Provide **legal and policy advice** to nonprofits, government agencies, businesses



Educate students about law and policy in the food system

Food Waste & Recovery Portfolio

State & Local

Examples: state bill tracking;
technical assistance to state governments

U.S. National

Examples: Zero Food Waste Coalition;
Opportunities to Reduce Food Waste in the Farm Bill

Global

Example: Global Food Donation Policy Atlas

Mapping food donation policies around the world

The Atlas evaluates laws and policies across the most relevant issue areas relating to food donation and food loss and waste. Explore the map to compare and contrast existing legislation and learn from best practices around the world.

Explore Interactive Map 

POLICY AREA: DATE LABELING

- | | |
|---|--|
|  Strong Policy |  No policy |
|  Moderate policy |  Ratings unavailable
<i>Click to view research</i> |
|  Limited policy |  Forthcoming |

Atlas Project Goals

IDENTIFY AND ANALYZE LAWS

Share relevant laws, common legal barriers in 25+ countries.

RECOMMEND POLICY CHANGE

Tailored for each country to achieve stronger, more sustainable food donation operations.

GLOBAL ENGAGEMENT

Though an online, interactive atlas tool that allows for comparison between countries; through webinars and conferences.

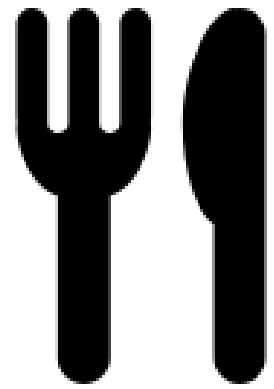
TAILORED TECHNICAL ASSISTANCE

Strategic engagements with in-country partners on policy implementation.

Atlas Project Methodology



Legal Issues



Food Safety



Date Labeling



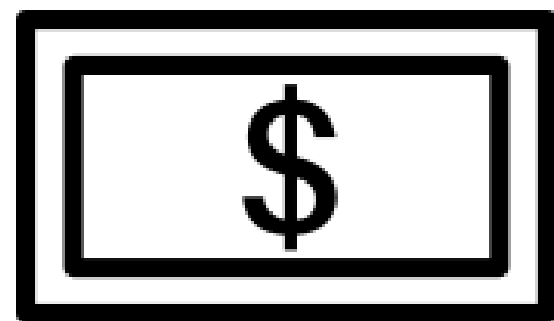
Liability



Food Waste
Law & Policy



Tax Incentives
& Barriers

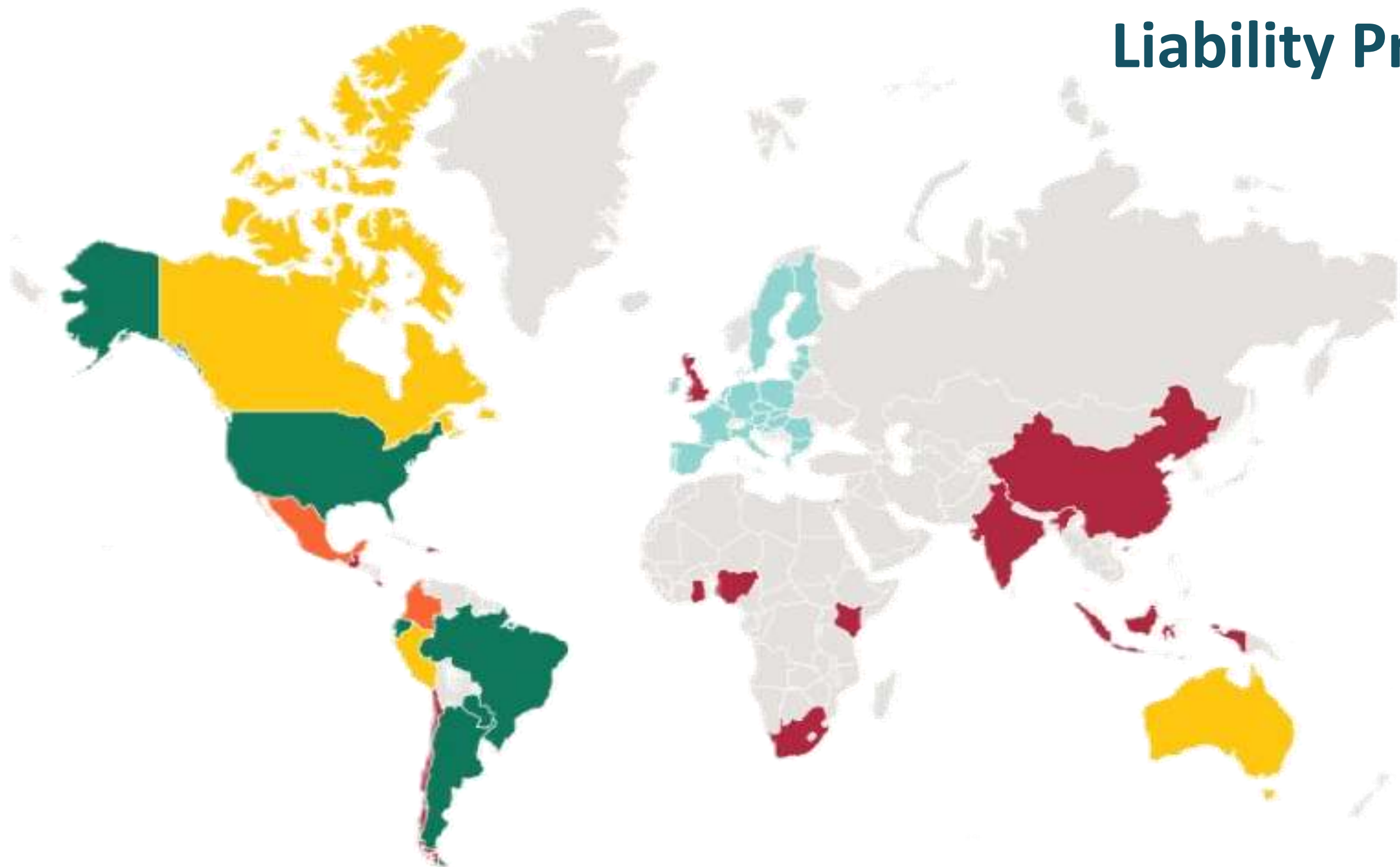


Requirements
& Penalties



Govt. Grants
& Incentives

Liability Protection Laws



LIABILITY PROTECTION FOR FOOD DONATIONS

Transportation and storage costs are often cited as the main expenses that manufacturers, retailers, and restaurants need to overcome to donate food. Tax incentives, including deductions and credits, can help to offset these financial inputs and make donation a more attractive, affordable option.

- | | |
|---------------------|-----------------|
| Strong Policy | Moderate Policy |
| Limited Policy | No Policy |
| Ratings Unavailable | Forthcoming |

Spotlight: Brazil

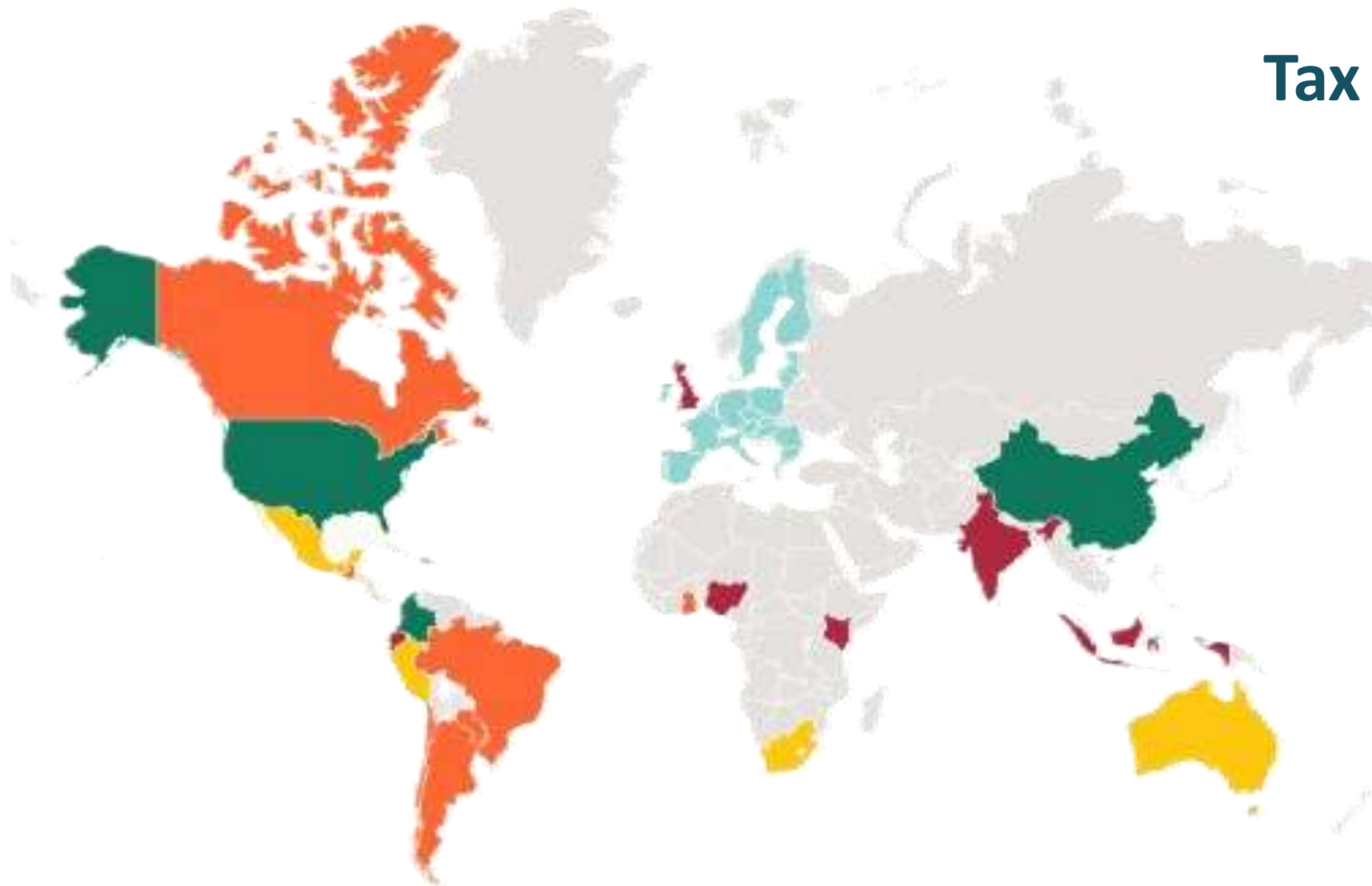


Source: Global Foodbanking Network, Erick Gomez

Brazil's Food Waste and Donation Law (14,016/20) limit liability for food donations.

Provided the donation complies with the Law's requirements and is donated with good intent to qualifying intermediary charitable organizations or directly to final beneficiaries

Tax Incentive Laws



TAX INCENTIVES

Transportation and storage costs are often cited as the main expenses that manufacturers, retailers, and restaurants need to overcome to donate food. Tax incentives, including deductions and credits, can help to offset these financial inputs and make donation a more attractive, affordable option.

- | | |
|---------------------|-----------------|
| Strong Policy | Moderate Policy |
| Limited Policy | No Policy |
| Ratings Unavailable | Forthcoming |

Spotlight: Colombia

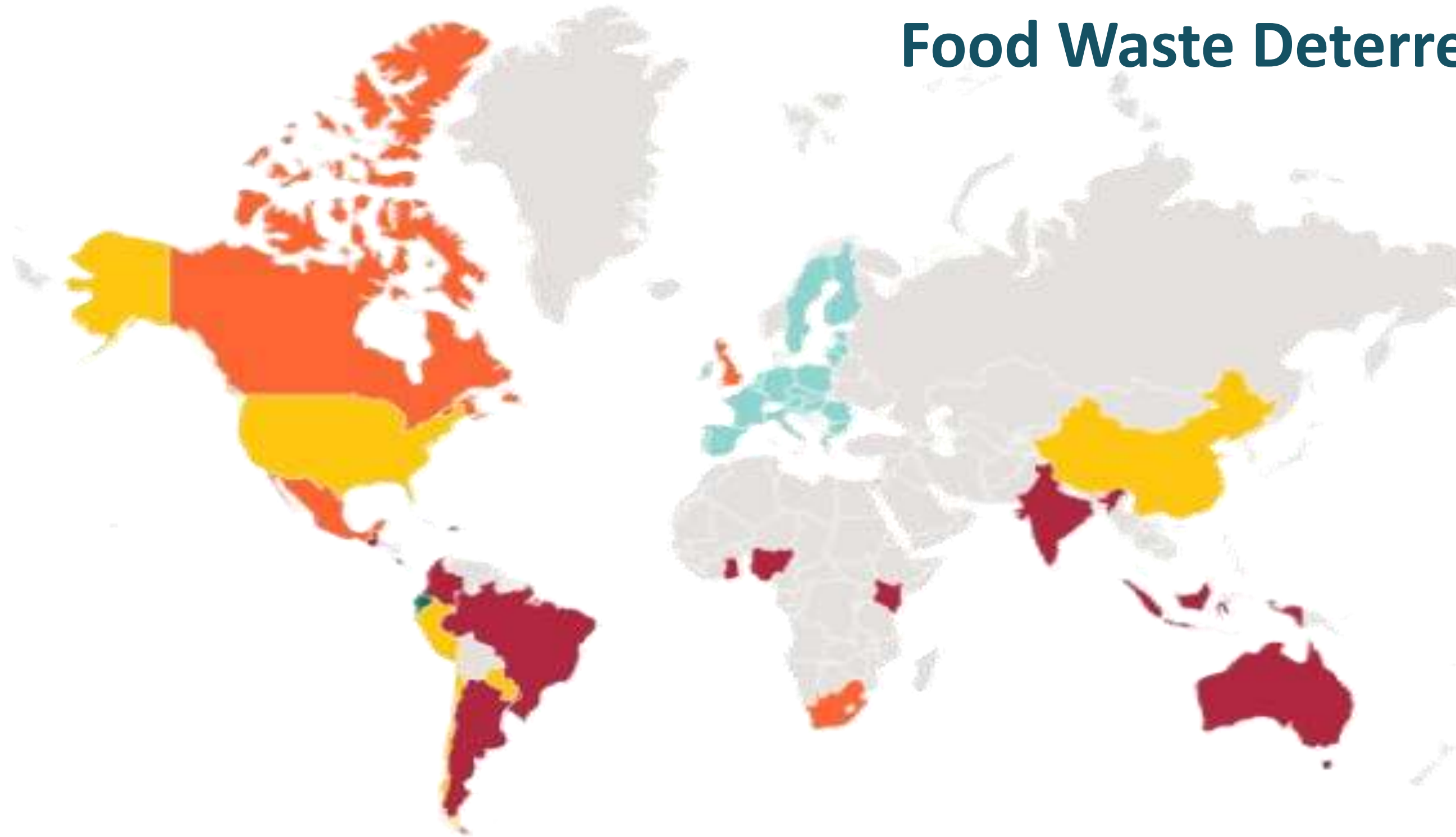
Tax Incentives

- Donors may claim a generous tax credit up to 37% of the value of food donations made to registered nonprofit entities.
- Tax credit covers transportation costs as well as food value.
- Colombia also ensures that the value-added tax (VAT) does not deter food donations: donations made to registered food banks are exempt from the VAT.



Asociación de Bancos de Alimentos de Colombia (ABACO)

Food Waste Deterrence Policies



FOOD WASTE DETERRENCE POLICIES

Transportation and storage costs are often cited as the main expenses that manufacturers, retailers, and restaurants need to overcome to donate food. Tax incentives, including deductions and credits, can help to offset these financial inputs and make donation a more attractive, affordable option.



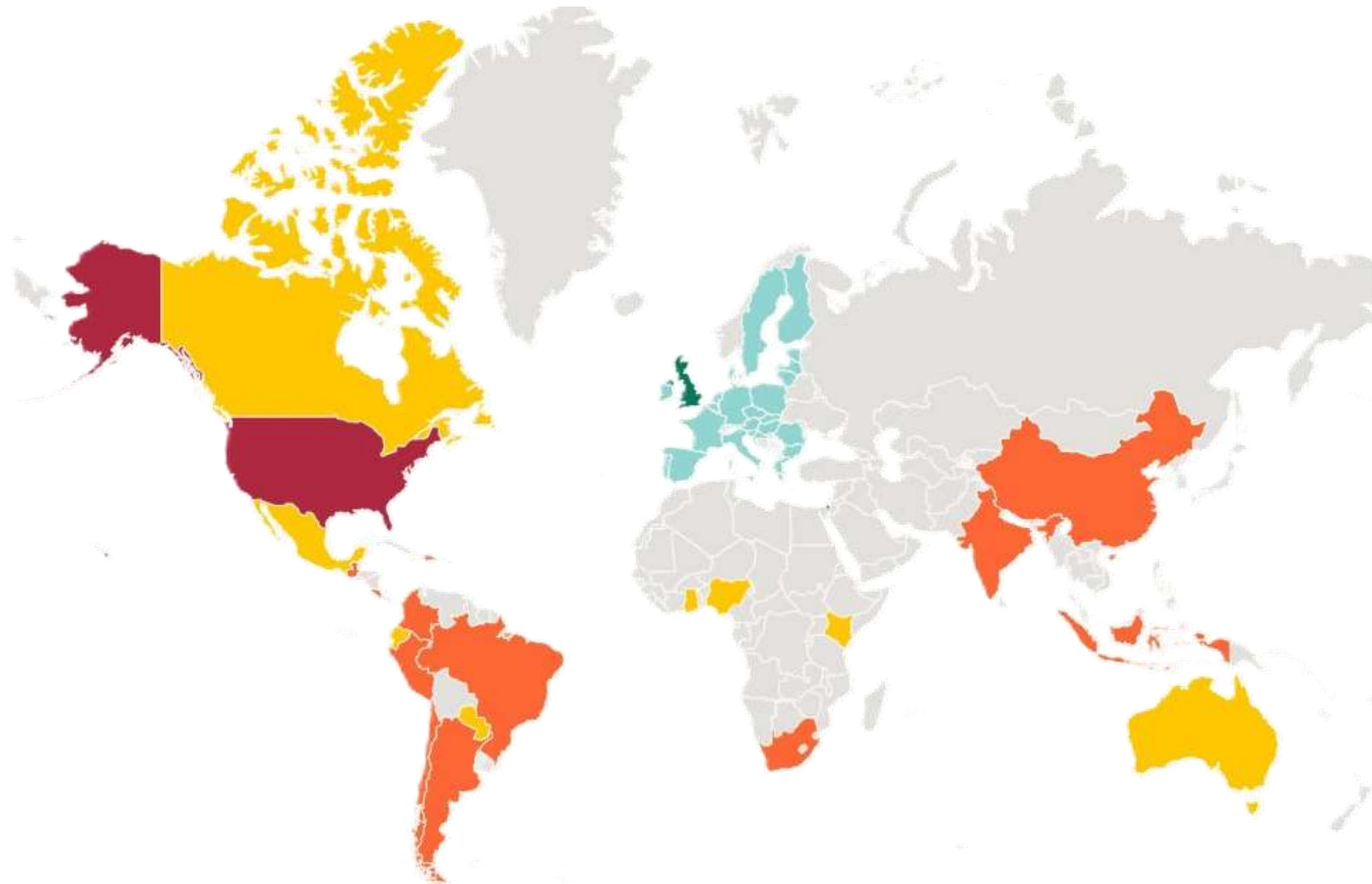
Spotlight: Ecuador

Organic Waste Ban

- Bans destruction of food fit for human consumption
- Includes hierarchy of alternative uses
 - Reduce
 - Donate
 - Animal feed
 - Renewable energy
 - Compost
 - Landfill
- Includes fines for non-compliance



Date Labeling



DATE LABELING

Transportation and storage costs are often cited as the main expenses that manufacturers, retailers, and restaurants need to overcome to donate food. Tax incentives, including deductions and credits, can help to offset these financial inputs and make donation a more attractive, affordable option.

- | | |
|---------------------|-----------------|
| Strong Policy | Moderate Policy |
| Limited Policy | No Policy |
| Ratings Unavailable | Forthcoming |

Global Best Practice: United Kingdom

Date Labeling

- The dual date labeling scheme distinguishes between safety-based and quality-based date label language.
- Food may not be sold or donated after the “use by” date, but the law *explicitly* states that food products past their “best before” date may be sold or donated.



Graphic from Food Standards Agency of the United Kingdom

LAC Regional Spotlight: Costa Rica

- In response to the COVID crisis, Costa Rica issued guidance permitting and clarifying donation past-quality date to enhance food security



Graphic from Food Standards Agency of the United Kingdom

Spotlight: Other Innovative Policies

Donating Seized Food

- *Example:* Paraguay's Food Donation Law bans authorities, including those at customs, from destroying seized food without a well-founded cause if it is deemed safe for human consumption after undergoing lab testing.

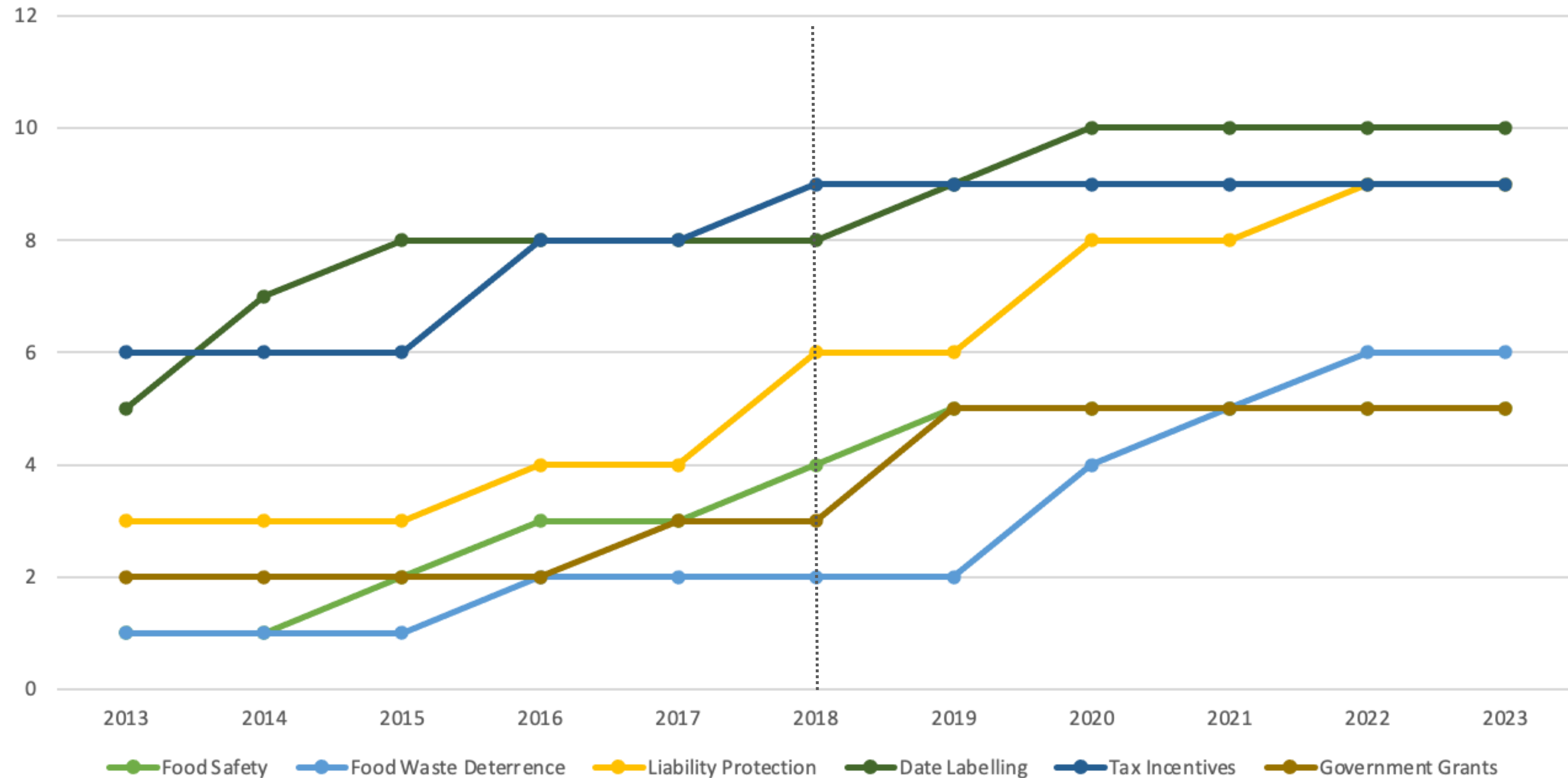
Limit "Business Losses" for Disposed Food

- *Example:* in Chile businesses cannot claim "business loss" tax deduction for wasted food unless they can prove they couldn't donate it

National FLW Strategy

- *Example:* Australia's comprehensive national food waste strategy, implementation roadmap, and feasibility study

Total Strong & Moderate Policies Over Time



Explore Key Policy Issues

- Date Labeling
- Liability Protection
- Tax Incentives
- Food Safety
- Food Waste Deterrence
- National Strategies
- ESG/Scope 3 Reporting
- Government Grants & Incentives

Coming soon:

- Carbon Accounting and Carbon Credits



ATLAS PROJECT

Website Link:

<https://atlas.foodbanking.org/>

FLPC WEBSITE

Website Link:

www.chlpi.org/flpc

