

117TH CONGRESS
1ST SESSION

S. 2389

To require the Administrator of the Environmental Protection Agency to provide grants to reduce the quantity of food waste, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2021

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the Administrator of the Environmental Protection Agency to provide grants to reduce the quantity of food waste, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Zero Food Waste Act”.

5 **SEC. 2. FOOD WASTE REDUCTION GRANTS.**

6 (a) DEFINITIONS.—In this section:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the Environ-
9 mental Protection Agency.

1 (2) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) a State, a local government, a terri-
4 torial government, or a Tribal government;

5 (B) a nonprofit organization; and

6 (C) a partnership of 2 or more of any of
7 the entities described in subparagraphs (A) and
8 (B).

9 (3) FOOD WASTE.—The term “food waste”
10 means any uneaten food and inedible parts of food.

11 (4) FOOD WASTE REDUCTION ACTIVITY.—The
12 term “food waste reduction activity” means any
13 method or activity that reduces the quantity of food
14 waste disposed of in landfills or incinerated, includ-
15 ing through prevention, rescue, upcycling, and recy-
16 cling.

17 (5) NONPROFIT ORGANIZATION.—The term
18 “nonprofit organization” means an organization de-
19 scribed in section 501(c)(3) of the Internal Revenue
20 Code of 1986 and exempt from taxation under sec-
21 tion 501(a) of that Code.

22 (6) PREVENT.—The term “prevent” means to
23 forestall the generation of food waste.

1 (7) RECYCLE.—The term “recycle” means to
2 reuse food waste as a feedstock for a nonfood prod-
3 uct.

4 (8) RESCUE.—The term “rescue” means to re-
5 direct surplus food for consumption.

6 (9) SOURCE SEPARATED ORGANICS.—

7 (A) IN GENERAL.—The term “source sepa-
8 rated organics” means organic waste that is
9 separated from other waste by the waste gener-
10 ator.

11 (B) INCLUSION.—The term “source sepa-
12 rated organics” includes materials that are cer-
13 tified to meet ASTM standard D6400 or
14 D6868.

15 (C) EXCLUSION.—The term “source sepa-
16 rated organics” does not include mixed solid
17 waste.

18 (10) UPCYCLE.—The term “upcycle” means to
19 make new food from ingredients that otherwise
20 would become food waste.

21 (b) PROGRAM.—

22 (1) ESTABLISHMENT.—The Administrator shall
23 establish and carry out a program to award competi-
24 tive grants in accordance with paragraph (3).

(2) PURPOSE.—The purpose of the program established under paragraph (1) is to help reduce the quantity of food waste by 50 percent by 2030, relative to that quantity in 2010.

(3) GRANTS.—

(A) STUDY ON FOOD WASTE GENERATION AND FOOD WASTE MANAGEMENT PLANNING.—

Under the program established under paragraph (1), the Administrator may award a grant to an eligible entity, excluding any eligible entity that is a nonprofit organization—

(i) to study—

(I) the generation of food waste in the State or area in which the eligible entity is located or otherwise serves; and

(II) policies and programs that significantly reduce the quantity of food waste, including policies and programs to carry out food waste reduction activities; and

(ii) to develop a plan under which the eligible entity will carry out at least 1 food waste reduction activity, prioritizing prevention to the extent practicable.

(B) FOOD WASTE DATA AND REPORTS.—

Under the program established under paragraph (1), the Administrator may award a grant to an eligible entity, excluding any eligible entity that is a nonprofit organization—

(i) to collect data on the quantity of food waste generated in the State or area in which the eligible entity is located or otherwise serves; and

(ii) to publish, on any publicly available website (which may include the website of a nongovernmental organization), a monthly or quarterly report on the data collected under clause (i).

(C) FOOD WASTE REDUCTION PROJECTS.—Under the program established under paragraph (1), the Administrator may award a grant to an eligible entity—

(i)(I) to carry out or otherwise support a food waste reduction activity;

(II) to implement a differential pricing policy on the disposal of food waste—

(aa) to disincentivize disposing of food waste by incineration or deposit in a landfill; and

1 (bb) to incentivize carrying out
2 food waste reduction activities;

3 (III) to pay for or provide technical
4 assistance to carry out a food waste reduc-
5 tion activity;

6 (IV) to implement restrictions on dis-
7 posing of food waste by incineration or de-
8 posit in a landfill;

9 (V) to implement food waste reduction
10 activity requirements;

11 (VI) to implement demand-stimulating
12 policies for recycling end-markets; or

13 (VII) to carry out any other activity
14 the Administrator determines will reduce
15 the quantity of food waste in the applicable
16 area; and

17 (ii) to collect data and publish reports
18 as described in subparagraph (B).

19 (c) APPLICATIONS.—

20 (1) IN GENERAL.—To apply for a grant under
21 this section, an eligible entity shall submit to the
22 Administrator an application at such time and in
23 such form as the Administrator may require, which
24 shall demonstrate how the eligible entity will use the
25 grant in accordance with subsection (b)(3).

1 (2) NONPROFIT ORGANIZATIONS.—In the case
 2 of an application under paragraph (1) from an eligi-
 3 ble entity that is a nonprofit organization, the appli-
 4 cation shall include—

5 (A) a letter of support for the proposed
 6 use of the grant from—

7 (i) the relevant local government, ter-
 8 ritorial government, Tribal government, or
 9 State; or

10 (ii) another nonprofit organization
 11 that—

12 (I) has a demonstrated history of
 13 undertaking work in the geographic
 14 region where the proposed use of the
 15 grant is to take place, as determined
 16 by the Administrator; and

17 (II) would not be involved in the
 18 proposed use of the grant; and

19 (B) any other information the Adminis-
 20 trator may require.

21 (3) PRIORITIZATION.—In awarding grants
 22 under this section, the Administrator shall—

23 (A) seek to award grants for use in diverse
 24 locations and for diverse uses; and

25 (B) prioritize awarding grants to—

(i) any eligible entity, excluding any eligible entity that is a nonprofit organization, that—

(I) implements a program to carry out food waste reduction activities; or

(II) has a demonstrated need, as determined by the Administrator, for additional investment in infrastructure or other resources to be able to implement a program to carry out food waste reduction activities; or

(ii) an eligible entity that will use the grant in accordance with subsection (b)(3)(C)(i) in a community of color, low-income community, or Tribal community that has been disproportionately affected by adverse human health or environmental effects.

(4) ANAEROBIC DIGESTION PROJECTS.—With respect to any grant awarded under subsection (b)(3)(C) to carry out an anaerobic digestion project, the Administrator shall—

(A) require the applicant to submit to the Administrator a plan for end-product recycling

that, in accordance with guidelines the Administrator shall establish—

(i) provides for the use of the material resulting from the project as a soil amendment; and

(ii) ensures that the use of the material resulting from the project does not create an environmental hazard; and

(B) require the eligible entity that is carrying out the project—

(i) to limit its use of animal waste to not more than 20 percent of the total feedstock of the project; and

(ii) to only use source separated organics as the portion of the total feedstock that is not animal waste.

(d) REPORTING.—

(1) EFFECT OF USE OF GRANT.—Each eligible entity that receives a grant under this section shall submit to the Administrator a report, at such time and in such form as the Administrator may require, on the results of the use of the grant, which shall include any relevant data requested by the Administrator for purposes of tracking the effectiveness of the program established under subsection (b)(1).

1 (2) ANNUAL REPORT.—The Administrator shall
2 submit to Congress and make publicly available on
3 the website of the Environmental Protection Agency
4 an annual report describing—

5 (A) the effectiveness of the program estab-
6 lished under subsection (b)(1) in reducing the
7 quantity of food waste by 50 percent by 2030,
8 relative to that quantity in 2010, including in-
9 formation on the progress of that reduction;
10 and

11 (B) the means by which the Administrator
12 is promoting learning among grantees and
13 other stakeholders to better achieve results.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$650,000,000 for each of fiscal years 2022 through 2031,
17 to remain available until expended.

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