



**Food Law and Policy Clinic, a Division of the Center for Health Law and  
Policy Innovation of Harvard Law School**

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Massachusetts Department of Transportation and  
Office of Climate Innovation and Resilience (Climate Office)

*Sent via email:* climateoffice@mass.gov

**Re: Comments on the Straw – Proposal Massachusetts Priority Climate Action Plan**

To Whom It May Concern,

These comments are submitted on behalf of the Harvard Law School Food Law and Policy Clinic (FLPC) in response to Massachusetts's release of its straw proposal for the Priority Climate Action Plan (PCAP), which will inform priorities for the Climate Pollution Reduction Grant.

FLPC is an educational program at Harvard Law School that serves partner organizations and communities by providing guidance on food system issues and advocating for food systems change, while engaging law students in the practice of food law and policy. FLPC focuses on promoting community-led food system change, increasing access to healthy foods, reducing waste of healthy, wholesome food, and supporting sustainable and equitable production. FLPC is a founding member of the Zero Food Waste Coalition (ZFWC), a coalition of organizations dedicated to informing and influencing U.S. food waste policy at the federal, state, and local levels to drive tangible progress toward the US's goal of reducing food loss and waste by 50% by 2030.

As your agencies finalize Massachusetts's PCAP and the corresponding funding priorities that will be included in the Climate Pollution Reduction Grant application, we urge you to include initiatives aimed at combatting food loss and waste. The PCAP is a critical opportunity to lay the foundation for funding to strengthen Massachusetts's waste management systems and food waste reduction measures.

Food waste is responsible for 6% of all U.S. GHG emissions and nearly 60% of all landfill methane emissions—making landfills the country's third largest source of methane, a potent GHG. Waste sector emissions are unique in that methane is a short-lived climate pollutant with about [80 times](#) the warming power of carbon dioxide over 20 years. An estimated [one-third](#) of the warming impacts that Americans are experiencing, from record heat waves to flash flooding, have been attributed to methane emissions. A recent [study](#) by the Environmental Protection Agency (EPA) revealed that while total emissions from solid waste landfills have been declining, methane emissions from food waste have increased. Thus, the EPA has identified food waste reduction and diversion from landfills as a key climate solution pathway.

Massachusetts's landfills are projected to fill and exceed capacity by [2030](#). Yet an estimated [40%](#) of the waste that ends up in our landfills, incinerators, or on the streets consists of substances that are prohibited for disposal. While food waste diversion has increased following the state's enactment of its organic waste ban, Massachusetts must further reduce the amount of food waste headed to landfills and incinerators by [420,000 tons](#) a year to reach the goals set in the state's 2030 Solid Waste Master Plan. As of 2022, 21.6% of the waste stream consisted of food waste, down from 26% in 2016. While this wasted food heads to landfills, according to [Feeding America](#) approximately 1 in 12 people in Massachusetts struggle with food insecurity, including an estimated 113,960 children.

By continuing to prioritize actions that keep food out of landfills and incinerators, while also strengthening landfill emission controls, Climate Pollution Reduction Grants can achieve substantial GHG reductions with multiple collateral benefits. Policies and programs that disincentivize food from being landfilled or incinerated, such as through waste ban enforcement or food recovery, incentivize greater food waste prevention. Reducing the pressure on Massachusetts's landfills would decrease the need to export our waste, a practice that intensifies carbon utilization by relying on long-haul diesel trucking and container shipping via trains and barges to move our waste out of state. New infrastructure, such as food hubs, composting facilities, or food recovery equipment, helps businesses and communities donate, upcycle, and recycle more of their excess food. These measures also support new jobs, help businesses and individuals cut food purchasing costs, alleviate food insecurity among low-income and disadvantaged communities, and mitigate the longstanding environmental justice impacts of landfills and incinerators on local communities.

Recognizing the highly impactful and concurrent benefits of food waste reduction and diversion measures, states such as [California](#), [Colorado](#), [Michigan](#), [Missouri](#), [North Carolina](#), and [Oregon](#), have included a wide array of food waste prevention, food recovery, and organic waste recycling initiatives in their draft PCAPs. Massachusetts should similarly incorporate waste management measures, especially those focused on food waste, in its PCAP as a proven means of achieving immediate reductions in GHG while providing additional environmental, economic, and social benefits to the state.

### **Include the Waste Sector as a Priority Reduction Measure**

Massachusetts is well positioned to implement the following programs, policies, and projects in the immediate term to achieve significant GHG emission reductions while benefiting low-income and disadvantaged communities through their implementation:

- ***Improve the enforcement and reach of Massachusetts's organic waste ban.***

Massachusetts's [organic waste ban](#) requires anyone involved with the disposal of commercial organic material to recover and recycle organic materials. Generation of a "commercial level" of organic waste is defined as those entities disposing of at least one-half ton per week of organic materials. The existence of the waste ban demonstrates the state's commitment to protecting the environment and decreasing needless waste, but Massachusetts could bolster the waste ban to address the state's overflowing landfills and the harmful environmental effects through more stringent and consistent enforcement and expansion of the ban's reach. Funding could be used to:

- Facilitate increased compliance through the hiring of more inspectors and compliance officers.

- Build capacity to support requirements mandating the diversion of organic waste from smaller generators.
- Expand the ban’s reach so that all food waste is diverted from disposal by the end of the decade.
- Monitor, track, and publish data on the state’s organic waste including the amount of organic waste generated, the recycling and waste pathways organic waste goes to within and outside the state, and the associated greenhouse gas emissions generated within the state and reduced as a result of the waste ban.

This data would assist Massachusetts in tracking its progress towards its waste reduction and GHG emission reduction goals.

- ***Increase the recovery of edible surplus food.***

Massachusetts could set a target for food recovery — a state-wide goal for the percentage of edible food that should be recovered — which could be implemented through requirements that certain food waste generators donate excess edible food rather than disposing of it. This model has been adopted in other states, such as [California](#) and [New York](#). A food donation target, especially if complimented by food donation requirements would help to tackle both the issue of food waste and food insecurity. Funding could be used to:

- Perform capacity planning and provide grants for food recovery organizations to ensure that they will be able to receive and distribute increased food donation volumes.
- Invest in food recovery staffing and infrastructure, such as trucks, donation bins, refrigerators, and freezers.
- Connect potential donors with food recovery organizations (such as through funding a [food sourcer](#) that would connect potential donors to nonprofit food rescue organizations and standardize food rescue processes).
- Develop and implement regulations.
- Promote education and outreach, including through sector specific guidance on food donation.
- Monitor and track outcomes.

- **Require mandatory reporting on surplus food and food waste.**

Mandatory reporting laws could require certain entities to report on the types and amount of surplus food and food waste they generate and how they manage it (recovery, repurposing, composting, animal feed, or disposal). Mandatory reporting is a powerful intervention because the act of measuring focuses entities on managing their food and waste streams and is accompanied by the economic benefits resulting from improved management. Data from mandatory reporting would also equip Massachusetts with key information about food waste that would support policymakers’ efforts to reduce the amount of waste headed to landfills and incinerators. Funding could be used to:

- Develop a reporting framework, such as the [model city ordinance](#) developed by the Natural Resources Defense Council and the Environmental Law Institute, and technology to facilitate implementation.
- Help implement solutions to issues identified through mandatory reporting, for example through grants to prevent food from becoming waste or to help recover surplus food.

- **Support compost application.**

Applying compost to farmland can both reduce greenhouse gas emissions and improve soil health. Massachusetts could incentivize compost application, through funding to:

- Provide financial incentives to farmers for compost application.
- Offer grants to support training and equipment needs of farmers related to compost application.

- **Support diversion of food scraps to animal feed.**

Food scraps have been used for animal feed for centuries. Repurposing otherwise wasted food scraps has multiple benefits for regional farmers and food scrap generators, such as retailers, restaurants, and educational institutions. These entities can partner to enhance the sustainability of their operations and reduce feed and disposal costs. Integrating food scraps into animal feed can also reduce the demand for commercial animal feeds and the land, water, and other resources needed to produce them. For these reasons, the [EPA](#) prioritizes diversion of food scraps to animal feed as a preferred pathway for managing food waste over compost, anaerobic digestion, and disposal.

Funding could be used to:

- Offer educational and financial support to farmers and businesses, such as guidance regarding permissible practices and grants. For example, Massachusetts could fund a pilot program to collect and deliver food scraps to local farms.
- Encourage partnerships between food scrap producers, such as food businesses or institutions with food service facilities, such as through the development of an online repository or app to connect interested participants.

- **Reducing food waste in schools.**

Reducing food waste in schools is particularly powerful because educational institutions generate significant food waste and are uniquely situated to integrate learning opportunities and messaging around food waste reduction. The work that Massachusetts is already doing related to schools, including subjecting large schools to the organics waste ban and offering environmental programming in schools, could be complimented by funding supporting the following initiatives:

- Requiring food waste audits that identify school food waste streams and highlight the magnitude of the issue. The audits could inform and shape food waste reduction solutions.
- Educational programming related to food waste prevention and reduction as well as recycling.
- Training and equipment upgrades for school waste reduction initiatives, for example installation of bulk milk dispensers.

- **Conduct education and outreach.**

As highlighted in many of the above recommendations, a robust education and outreach campaign is an essential foundation to efforts to prevent and reduce waste. In the United States, [consumers](#) waste

more food than any other sector of the food supply chain. According to [ReFed](#), a national nonprofit dedicated to data-driven solutions to food waste, a consumer educational campaign would cost around \$63 per ton of food waste diverted (offset by a corresponding financial benefit of \$5,000 per ton) and eliminate more than six metric tons of CO<sub>2</sub>e. In addition to the targeted educational and outreach needs identified above, Massachusetts could use additional funding to advance its [plan](#) to:

- Tap municipalities and the Recycle Smart program to leverage and share consumer focused food waste reduction campaigns.

FLPC is appreciative of your agencies' coordinated efforts to reduce climate pollution in Massachusetts and asks that you strengthen those efforts by incorporating waste strategies that will have immediate and measurable impacts on climate pollution in Massachusetts and the health and well-being of low-income and disadvantaged communities in our state. We are available to you as subject matter experts, and FLPC is available to support technical assistance to state government, municipalities, and Tribal Nations to advance their food loss and waste policy initiatives.

Thank you for your consideration of FLPC's comments and recommendations.

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