

FOOD INDUSTRY TRENDS TOWARD SUSTAINABILITY

By Pooja S. Nair and Jessica H. Kraus

The food industry is in a unique position with respect to building a more circular economy. The goal of extracting the maximum value from existing resources while regenerating products is uniquely suited to an industry built on agricultural products and consumption.

Redistributing food to prevent waste: Achieving maximum value from resources while complying with legal frameworks. The food and beverage industry has significant challenges with waste, distribution, and reuse. According to the U.S. Department of Agriculture, 30 percent to 40 percent of the food supply in the United States is ultimately wasted. At the same time as this level of food is being wasted, approximately 42 million Americans are “food insecure,” meaning that at some point during the year, they lack access to a sufficient amount of food to lead an active, healthy lifestyle.

One of the goals of the circular economy model is to reduce waste streams by reusing waste or potential waste as a resource.

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Given the high levels of both food waste and consumer need, some technology companies have come up with solutions that would achieve the goal of maximum value for resources. Often, these solutions rely on technology to connect an alternative end-consumer of the expiring food resource with the manufacturers, restaurants, and grocery stores that would otherwise dispose of the food. For example, Flashfood resells grocery foods approaching their best-before date to consumers at a discount.

PLASTIC STRAW BANS ARE ONLY A SMALL STEP IN MOVING TOWARD SUSTAINABILITY.

However, both logistical and legal challenges may hinder this type of repurposing of the food waste stream. Once food is prepared or packaged, it has a shelf life after which it may no longer be safely consumed. State and local food safety laws may prohibit or hamper the donation of food that is safe to eat but may be at or near its expiration date. Several states have strict

liability laws for illness or damages caused by the consumption of food. These legal requirements add an additional burden on donors and recipients and make it more difficult to achieve the goal of extracting the maximum value from existing food resources that is inherent in the circular economy.

In 1996, Congress passed the Bill Emerson Good Samaritan Food Donation Act. The Act protects against liability for food donations that were “apparently wholesome” except in the case of gross negligence or intentional misconduct. In order to be apparently wholesome, food must meet “all quality and labeling standards imposed by Federal, State, and local laws and regulations.” This means that donors need to make food donations to a nonprofit rather than directly to end-recipients of the food and that food past its expiration date cannot be donated, regardless of whether the food was spoiled. Despite the passage of the federal law, the concerns of food producers, retailers, and restaurants were not fully alleviated.

When food is prepared in a form that can be sold to consumers, either as grocery products or as perishable food in restaurants, there is a limited window during which that resource can be used. Diverting

expiring food to be used by end-users, both through the utilization of technological solutions to connect alternative consumers with expiring food or by incentivizing food donations by reducing liability threats, will contribute to the maximization of resources.

Moving toward the end of single-use plastics: Initiatives and pushbacks. Legislation has pushed the food industry to use sustainable materials in packaging and serving food. The push toward ending single-use plastics has been taken on by state and local governments and is being adopted by the food industry.

The impact of plastics on long-term environmental sustainability is significant. Environmentalists have estimated that at least 8 million tons of plastic end up in our oceans each year, harming marine life. For these reasons, bans surrounding single-use plastics have become popular.

Before plastic straws, the issue du jour was plastic bags. Most state legislation to regulate plastics pertains to plastic bags. Now straws have become the latest casualty in the war on plastics. It is estimated that 500 million straws are used every single day. And some scientists estimate that there are 7.5 million plastic straws polluting the coastal United States and up to approximately 8 billion plastic straws on the shoreline worldwide.

Seattle became the first city to ban plastic straws in July 2018, and several cities followed, including Malibu and Miami Beach. California is the first state to regulate plastic straws. The law prohibits

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full-service restaurants from automatically giving out plastic straws to customers. Customers who want a plastic straw now have to ask for one. This law does not apply to fast-food restaurants or take-out orders.

Along with cities and states, there is a growing list of companies that are taking the initiative to ban plastic straws. Starbucks stopped using plastic straws in all its stores in 2020. Other restaurant groups moving toward banning plastic straws include Bon Appétit Management Company, IKEA, airport food service company HMSHost, Pret a Manger, and Costa.

There has been significant pushback against straw bans by advocates for people with disabilities. While some restaurants and companies have decided to offer alternative options such as strawless lids or straws made from biodegradable paper, advocates for people with disabilities say those options are not suitable for people with certain disabilities.

The trend toward banning straws appeared to be gaining

momentum, but now it looks like the tide is turning, and some states are starting to push back. Colorado and Florida have introduced bills to impose straw-on-request policies similar to California's; however, unlike in California, those bills specifically forbid local governments from introducing outright bans. Utah has introduced a bill that pre-empts local governments from banning plastic straws without including a straw-on-request mandate.

Unfortunately, the plastic straw bans are only a small step in moving toward sustainability. While the statistics sound staggering, plastic straws make up only 0.025 percent of all plastic waste found in the oceans each year. In the end, the straw-on-request policies are designed to change people's behavior and create awareness of the environmental impact of single-use plastics. The hope is that the change in behavior in this one area will lead to other changes that will help move us toward a more circular economy. ■