

REPORT

# GEORGIA FOOD WASTE POLICY GAP ANALYSIS AND INVENTORY



## ACKNOWLEDGMENTS

This report was prepared for NRDC by the Center for EcoTechnology, in collaboration with the Harvard Law School Food Law and Policy Clinic and BioCycle Connect, LLC.

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# Glossary of Terms

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**Food rescue.** This term refers to donation or recovery of surplus food for feeding hungry people.

**Food waste reduction.** This term encompasses all tiers of the food recovery hierarchy: prevention, donation, animal feed, composting, and anaerobic digestion.

**Source-separated organics (SSO).** This term references organic material separated for processing and may encompass food scraps as well as yard waste.

## GAP ANALYSIS COLOR CODING

No Policy
Weak Policy
Moderate Policy
Strong Policy

# *Introduction*

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This report comprises a gap analysis and detailed inventory of food waste–related policies in Georgia. Whereas the inventory provides an overview of existing state policies, the gap analysis identifies policy opportunities for furthering food waste reduction. Categories were chosen to represent areas across the food recovery hierarchy and include: organics disposal bans and recycling laws; date labeling; food donation liability protections; tax incentives for food rescue; organics processing infrastructure permitting; food safety policies for share tables; food systems plans, goals, and targets; plans targeting solid waste; climate action goals; and grants and incentive programs related to food waste reduction. The goal of this report is to equip NRDC Food Matters city partners with a comprehensive overview of their state’s respective policy landscape and how it helps and/or hinders efforts to reduce food waste.

The gap analysis can be read as a summary digest of the more detailed policy inventory. This section serves to highlight particularly strong policies that can be leveraged to further a city’s food waste reduction goals, as well as advocacy opportunities where policies are weak or nonexistent. The inventory provides a more comprehensive overview of any policies, executive orders, goals, targets, or programs that exist across the ten covered categories. Users may choose to read the gap analysis to gain a basic understanding of their state’s policy landscape and then reference the inventory for detailed information.

## *Policy Gap Analysis Approach and Applications*

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To provide a consistent and objective analysis, policy categories were assessed using a rubric that defines “No Policy,” “Weak Policy,” “Moderate Policy,” and “Strong Policy” for each category. Below is the rationale and definition for each tier of the rubric for the ten policy categories, as well as examples of policies in practice for select categories. For full rubric, see Food Waste Reduction Policy Gap Analysis Rubric.

### **ORGANICS DISPOSAL BANS AND RECYCLING LAWS**

Organics disposal bans and mandatory recycling laws are an effective means of achieving food waste reduction, including via prevention and other strategies across the hierarchy. By limiting the amount of organic waste that entities can dispose of in landfills or incinerators, organics disposal bans and waste recycling laws compel food waste generators to explore more sustainable practices like waste prevention, donation, composting, and anaerobic digestion (AD). A Strong Policy applies to all commercial generators (and possibly individuals at the household level) and is actively enforced. A Moderate Policy is similarly enforced but imposed only on select commercial generators, and Weak Policies are ones that provide several exemptions from the law’s applicability, such as exemptions based on distance from a processing facility or the cost of processing. It is quite common for states to start with a Weak Policy and gradually strengthen it as the marketplace evolves and impacted stakeholders are educated and gain the resources to comply.

### **Policy in Action**

While there are no states in the Southeast that have organics disposal bans or mandatory recycling laws, elsewhere they have received a lot of attention in recent years as an increasing number of states and localities have adopted this policy approach. In many cases, other actions were taken in the years leading up to the legislation or regulation that enabled it to get political and practical traction. For example, in Massachusetts, one of the first states to ban food waste, the state made incremental changes during the years ahead of the ban’s effective date, including:

- Modernizing the permitting structure for composting and AD facilities;
- Investing in infrastructure through grants and low-interest loan programs;
- Providing regulatory relief from other waste ban materials if supermarkets diverted food waste through an innovative partnership with the Massachusetts Food Association called the Supermarket Recycling Program Certification; and
- Developing RecyclingWorks in Massachusetts, a no-cost technical assistance program to help businesses comply.

New York State has taken similar steps by providing grants for infrastructure, supporting food donation networks, and establishing business assistance in advance of its legislation. New York is also an example of a state where a major city (New York City) enacted a waste ban ahead of the statewide law.

*Bans and Beyond: Designing and Implementing Organic Waste Bans and Mandatory Organics Recycling Laws*, a resource produced by the Harvard Law School Food Law and Policy Clinic and the Center for EcoTechnology, provides further detail on these policies, including their development and structure, for cities and states that are considering this policy option.<sup>1</sup>

## DATE LABELING

Date labels affixed to food products are a major driver of food waste and an obstacle to food donation. There is currently no federal system regulating the use of date labels such as “sell by,” “best by,” and “use by” on foods. Instead, each state individually decides whether and how to regulate date labels. Manufacturers often have broad discretion over how the dates on foods are selected. These dates typically reflect quality and taste rather than safety, yet businesses, individuals, and even state regulators frequently misunderstand the dates and interpret them to be indicators of when food is no longer safe to eat.

Standardization of date labeling is a cost-effective solution to food waste. By educating consumers about the meaning of date labels on products sold within the state and eliminating bans on the donation or sale of past-date foods, states can make date labels comprehensible to consumers and avoid the systematized waste of safe and wholesome foods. A Strong Policy requires that manufacturers or retailers who choose to affix date labels to foods use one of two prescribed standard date labels, a quality label or a safety label. In addition, a Strong Policy expressly permits the donation of food after the quality date. A Moderate Policy requires date labels for certain foods but does not prohibit or limit the sale or donation of food after its label date. A Weak Policy—and potentially a detrimental one—requires date labels for certain foods and prohibits or limits the sale or donation of food after its label date. Federal guidance recommends the use of the phrase “BEST If Used By” to indicate a food’s quality. Federal legislative proposals as well as industry efforts have recommended the same, and further recommend the phrase “USE By” to indicate safety concerns. States should align their standards with these efforts.

## Policy in Action

Southeast states generally have not established a dual date labeling system for quality and safety. Many states in the region have conflicting or unnecessarily restrictive date labeling requirements. With a lack of clear guidelines, food manufacturers and processors have largely created their own labeling schemes. In some cases, decisions on how these dates are determined can be driven by business interests, and the labels often have a wide range of wording that increases confusion. Further, even where state date labeling regulations exist, they often are not based on science-backed food safety concerns. As a result, consumers or businesses often dispose of food when it reaches the label date, even though it may be safe to eat. Thus, date labels are an important part of any policy strategy to prevent food waste, and one that cities can encourage states to pursue. Until federal legislation or regulations standardizing date labels are adopted, states can remove problematic components of their own date labeling policies using guidelines recommended in this analysis, and even help pave the way for federal standardization.

## FOOD DONATION LIABILITY PROTECTIONS

Restaurants, retailers, and other food businesses are often hesitant to donate food because they fear being held liable for harm caused by the donated food. While the federal Bill Emerson Good Samaritan Food Donation Act provides robust liability protection for both food donors and food rescue organizations, state liability protections can strengthen this and encourage food donation by further reducing liability risks for those participating in food rescue. A Strong Policy provides liability protection for donations directly to individuals, allowing restaurants and food service organizations to donate small amounts of food that may be cost-prohibitive to transport or store; it also offers protection for donations supplied to the final consumer for a small fee, thereby extending protection to innovative food rescue models like social supermarkets. A Moderate Policy is broader than federal-level protections and may provide protections for donations directly to individuals or donations made for a small fee. A Weak Policy provides protections that are no broader than federal-level ones, or only protects one party, such as the donor or food rescue organization.

## Tools to Support Policy

Legal fact sheets or guidance documents can serve as a beneficial tool in communicating legal protections and considerations for potential donors. These documents can relay legal language using easily understood terms that help clarify requirements for protection to apply and alleviate concerns related to donation. The Harvard Law School Food Law and Policy Clinic has created many of these state-specific food donation fact sheets (including on the topic of liability protection for food donation) and a number of other useful documents; these can be found in the organization's online resource library.

## TAX INCENTIVES FOR FOOD RESCUE

Donating food can be expensive, because it requires money to harvest, package, store, and transport food that would otherwise be discarded. Tax credits or deductions can help offset those expenses and offer an economic incentive for food donations. A federal tax incentive exists, but certain businesses struggle to utilize it. State-level tax incentives for food donation can help support the agricultural economy and food producers, strengthen ties between local businesses and consumers, reduce the amount of wasted food, and improve the healthy options available to state residents who use emergency food outlets. A Strong Policy is one in which tax deductions or credits fully offset the costs associated with food donation, including transportation. A Moderate Policy provides a tax incentive for food donation, but the incentive does not fully offset the associated costs.

## Policy in Action

States and cities may issue tax incentives that help promote food rescue. None of the states in the Southeast have tax incentives for food rescue, and none of the states or jurisdictions reviewed in the Mid-Atlantic or Great Lakes regions have a Strong Policy designation in this category. However, Philadelphia provides an example of a policy enacted at the local level that helps to incentivize food donation. The city implemented a sustainable business tax incentive that allows businesses who meet certain sustainability criteria—including participating in food donation—to receive a tax credit of up to \$4,000 on the Business Income & Receipts Tax (BIRT). As another example, Maryland, a state with a Moderate Policy in this category, offers a tax credit only for food donation by qualifying farms and farm businesses. These businesses can claim up to 50 percent of the value of the donation for conventional products, and up to 75 percent of the value of certified organic produce donations to charitable organizations.

## ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

Strong processing infrastructure policies actively facilitate the development and permitting of organic waste processing facilities—including both composting and anaerobic digestion facilities and small-scale composting operations—and are in sync with current best practices for organics processing. A Strong Policy includes a regulatory tier for source-separated organics (SSO) and provides opportunities for market development. Further, a Strong Policy minimizes barriers to entry, is aligned with best management practices for composting SSO, and offers a separate permitting process for anaerobic digestion of SSO. A Moderate Policy similarly offers a dedicated regulatory tier for SSO and considerations for market development, but it may have the same composting requirements for SSO as for mixed solid waste, may negatively impact economic viability by limiting the quantity or site acreage, or may include vague language for handling SSO through anaerobic digestion. A Weak Policy still includes a regulatory tier for SSO, but two of the drawbacks noted above (e.g., limitations on site acreage) are present. No Policy refers to locales with no processing tier for SSO, no acknowledgement of anaerobic digestion of SSO, and no exemption tier for small quantities of SSO.

A commitment to recycled organics market development is another mechanism to bolster organics processing infrastructure. Examples of market development mechanisms include procurement or bidding mandates that require developers to use compost products or recycled organic materials in their development projects.

States with strong policies for diversion to animal feed do not regulate feeding food scraps to animals or have minimal restrictions on such activity; they may also offer education and guidance on relevant laws and regulations and/or encourage collaboration with local farms.

## An Evolution of Infrastructure Permitting

Permitting for organics processing infrastructure has evolved over the decades in response to the unique characteristics of different feedstocks, including biosolids, leaf and yard waste, and now, increasingly, food waste. In the 1980s, the U.S. Environmental Protection Agency (EPA) promulgated regulations codified at 40 CFR 503 that established pathogen and vector attraction reduction requirements and pollutant limits for biosolids recycling, including composting. Those requirements are included in most state solid waste regulations for composting, such as PFRP, the process to further reduce pathogens (e.g., maintaining temperature of 55 °C for three days in aerated static piles or 15 consecutive days in windrows). Later in the 1980s and into the 1990s, about two dozen states passed bans on landfill disposal of leaves, grass, and/or brush. This was in response to a perceived shortfall in landfill capacity and led to the creation of composting facilities specifically for yard trimmings in many states. To facilitate the development of yard trimmings processing capacity, states created a “permit by rule” approach (essentially a notification) to facility permitting or established an exemption. Permit-by-rule was an early example of a tiered permitting approach to composting regulations.

Interest in composting of source-separated food scraps grew throughout the 1990s. On-site composting of food scraps, for example, was enabled by in-vessel systems on the market. State solid waste agencies, recognizing that on-site food scrap composting poses minimal threats to public health and the environment, began adopting on-site composting exemptions. Some states also created exemptions for composting food scraps on farms during this time. In some instances, farms were not allowed to sell the compost but instead were required to use it all for their own agricultural operations.

Permit-by-rule, on-site exemptions, and on-farm composting exemptions are the foundation of a tiered approach to regulating composting facilities that process source-separated organic waste streams, including food scraps. Site and operational requirements for processing SSO tend to be less restrictive at smaller volumes and then become more restrictive, e.g., more stringent storm water management and pad requirements, as the quantities of feedstock increase. Tiered approaches reduce barriers to entry for SSO composting, which is why this regulatory approach was prioritized in this report’s policy rubric. As reflected in the rubric structure, it is generally acknowledged that a tiered approach to permitting facilitates development of food scrap processing facilities. This is especially the case for existing yard trimmings composting operations that can move from a permit-by-rule status to a registration or permitted status (depending on quantity of food scraps received) without significant financial hardship (in terms of permitting fees, site improvement costs, etc.). What typically changes are the operating procedures, such as requiring that food scraps be incorporated into the composting process soon after their arrival. PFRP temperature requirements must also be met, especially when meat, dairy, and shellfish are included in the food scraps stream.

To date, regulation of anaerobic digestion facilities receiving food scraps (codigestion) varies by state. In Pennsylvania, for example, the state solid waste agency has a permit for codigestion on dairy farms; however, oversight of codigestion at wastewater treatment plants is done by the water/wastewater division (and by the EPA in some cases, in terms of discharge permits). In Ohio, the state solid waste agency defers permitting of digesters taking food scraps to the air and water quality divisions. The organics processing permitting infrastructure inventories illustrate these variations among states.

## Policies in the Southeast Region

Georgia, North Carolina, and Tennessee have either exemptions or a permit-by-rule allowance for small-scale composting of food scraps. The Tennessee Department of Environmental Conservation (TDEC) adopted an exemption for sites composting no more than 100 cubic yards (cy) per year of food scraps or similar material using an in-vessel composting method, or no more than 50 cy per year using other methods (windrows, aerated static piles, etc.) when it promulgated its new rules in 2016. Georgia amended its composting rule in 2018 to establish a permit-by-rule tier for food scrap composting; it applies to community-scale operations that receive food scraps from off-site sources (e.g., nearby households and small businesses). In 2019 North Carolina clarified its criteria for determining small versus large composting facilities and expanded the types of operations that are exempt from permitting, primarily small-scale food waste composting. The new category allows up to 100 cy of material on site at any one time (not including finished compost). In correspondence, Robert Wadley, environmental specialist with TDEC’s Division of Solid Waste Management, Materials Management Program, noted: “I am happy with the size limitations we set. It has covered all community gardens and community composting facilities of which I am aware. It has also allowed small-scale composters to ‘get their feet wet’ before they scale up.”

## FOOD SAFETY POLICIES FOR SHARE TABLES

Share tables in schools can promote food rescue efforts and also teach children about food waste and rescue. While the U.S. Department of Agriculture (USDA) provides guidance on establishing share tables in schools, a Strong Policy at the state level goes above and beyond this guidance by encouraging share tables and developing state-specific guidelines or instructions about food safety as it relates to donation. A Moderate Policy allows share tables but provides only limited guidance. A Weak Policy also allows share tables but provides no guidance or offers more restrictive rules and guidance than the federal government does.

From a broader food policy perspective, food donors and food rescue organizations must also comply with food safety regulations. These regulations often do not directly address food donation specifically and can be difficult to navigate for food donors and health inspectors alike. To facilitate increased food rescue, state and local actors can create better and more consistent food safety regulations, produce guidance on food safety regulations for food donation, and prepare health inspectors to serve as food donation advocates. While many of the states analyzed for this project have produced guidance on implementing share tables in schools, very few have promulgated clear, science-based food safety regulations for food donations or offered food safety guidance for food donation more broadly. Given this gap, an opportunity remains for policymakers and advocates at the state and local levels to push for the following changes: regulations that explicitly state what foods can be donated; state-wide uniformity among regulations that apply to donated foods; clarifying guidance on food safety for food donation to support potential food donors; and trainings for local health inspectors on safe food donation.

### Policy in Action

State-level stakeholders in the Southeast have done little to promulgate awareness of federal policy around share tables or endorse their use in schools. Developing relevant guidance could reduce food waste and feed hungry people. Connecticut offers a cautionary tale of the importance of clear communication and coordinated efforts among stakeholders. In 2017, the Connecticut State Department of Education released a memorandum noting that the state's share table regulations limit their use to foods that are packaged or unpeeled and that do not require temperature control. This caused confusion among schools who thought the regulations could also apply to external donation—and thus felt compelled to dispose of foods like untouched apples and unopened cartons of milk. State agencies subsequently endorsed a guidance document that clarifies the distinction between share tables and donation to food rescue organizations, and the different regulations for each, and it has been made widely available to schools.

## FOOD SYSTEMS PLANS, GOALS, AND TARGETS

Statewide food systems plans, where goals and targets are given the support of state infrastructure, will have a much broader impact than regional or local food systems plans. However, any food systems plan that actively considers food waste reduction and sets clear targets to reduce food loss and waste demonstrates a clear commitment to improving food systems. A Strong Policy designation indicates that there is a comprehensive statewide plan with a set of clear goals and targets that also incorporates food loss and waste reduction. A Moderate Policy features regional food systems plans or a state plan in which one of the following is true: There is limited support to achieve goals, there is a failure to coordinate with other regional plans, or there is little to no consideration of food waste reduction. Weak Policies are designated where there is a regional food systems plan that does not have broader state support and does not address food waste reduction.

### Policy in Action

In most of the Southeast states, cities have taken a leadership role in developing food systems plans in the absence of state-level documents. Policies across the country, such as in Massachusetts, Rhode Island, and San Diego, have included very direct language about how reducing food waste is central to the success of the statewide food systems plan. Rhode Island's food strategy, *Relish Rhody*, supports a robust food system that also protects natural resources, promotes clean energy goals, and connects these goals to reducing food waste. To illustrate, one of the five integrated focus areas in Rhode Island's policy is "to minimize food waste & divert it from the waste stream."

## PLANS TARGETING SOLID WASTE

Solid waste management plans set targets and a framework for achieving overall materials management and waste diversion goals. Plans that include food waste diversion demonstrate that a state actively considers the impact of food waste on materials management infrastructure, and the best ones are continuously updating their guidance to stay current. A Strong Policy features a current solid waste management plan, zero waste plan, or organics management plan that addresses food waste reduction and offers a strategy for reducing waste. A Moderate Policy highlights food waste as a diversion opportunity but has limitations or is out of date. States with a Weak Policy have plans that are more than a decade out of date and do not acknowledge the role of food waste reduction in diversion strategies.

### Measuring Goals

States use a number of strategies to set goals and measure progress on food waste diversion, including analysis of recycling rates, waste reduction rates, or waste generation rates. Recycling rates compare the quantifiable amount of material generated in a territory with the amount of municipal solid waste disposed, but it can be challenging to accurately capture this data, and this approach does not account for waste reduction efforts. A waste reduction rate encompasses the information included in the recycling rate but adds consideration of waste reduction efforts. However, since it can be difficult to measure what is not created (as when food is not wasted), the calculation process can be complicated and the data provided can be less reliable than a recycling rate. A third strategy is to track the waste generation rate over time, either overall or per capita. In areas where waste handling facilities have finite capacity, this data point also helps state officials monitor infrastructure needs as they evolve.

Massachusetts is an example of a state that has evolved its goal-setting and data collection strategies over time, using each data point in different iterations of its solid waste master plan. Massachusetts arrived at using an overall waste generation rate to reduce staff labor required in monitoring goals and allow a focus on various materials reduction rates. As another example, in its Beyond Waste plan, New York took a per-capita waste generation rate approach, accounting for variations in population across the state.

## CLIMATE ACTION GOALS

A climate action plan sets clear targets for addressing climate change and establishes clear pathways to meet those targets. With respect to policy vehicles, legislation ranks higher in this policy rubric because it demonstrates a statewide commitment to climate action, whereas executive orders can be revoked by later administrations. Even in the absence of explicit goals for food waste reduction, carbon reduction targets can be leveraged to justify and drive food waste reduction activities at the city and state level. Where state-level political support for climate action is lacking, cities can adopt their own plans and policies. These can incorporate the contribution that food waste reduction makes towards decreasing emissions while providing economic benefits.

Since food waste is a significant contributor to greenhouse gas emissions, a Strong Policy will incorporate a plan to reduce food waste and will identify action steps for specific departments to carry out the work outlined in the plan. A Moderate Policy features a plan that outlines climate action goals, along with supporting legislation or specific departments that have been tasked with action steps. A Weak Policy for a climate action goal is set by executive order with no legislative framework or enacted with limited legislative action and no framework to achieve goals.

## GRANTS AND INCENTIVE PROGRAMS RELATED TO FOOD WASTE REDUCTION

State or local grant and incentive programs can be important catalysts for expanding food waste reduction activities across the hierarchy, from helping offset the costs of donation, to seeding startup food rescue organizations and supporting targeted infrastructure expansion, to providing technical assistance to marketplace stakeholders. A Strong Policy has a sustainable funding model to create grants and incentive programs that are explicitly aimed at food waste reduction. These programs also offer free technical assistance to support food waste reduction in an effort to lower the barriers to diversion. A Moderate Policy includes grants and funding for food waste reduction, but the funding may not be dedicated to this category or may be unsustainable, or technical assistance may not be offered. In states with a Weak Policy, grants to support food waste reduction are available, but more than one of the following is true: funding is not dedicated to this category, funding opportunities are not advertised or accessible, funding is unsustainable, or technical assistance is not provided.

## Policy in Action

In addition to providing financial support, states and local entities are increasingly seeing the value and impact of educational programs and technical assistance for food waste generators. Several states, including Tennessee, provide technical assistance—tailored one-on-one support to an entity to implement food waste reduction strategies—which can lay the groundwork for a future waste ban or recycling mandate. In the absence of such legislation, a robust technical assistance program can still achieve meaningful results at all levels of the hierarchy. Complementary education and promotional campaigns allow broad outreach to constituents and can be an effective tool for raising awareness and spurring individual action. Every state and city has the opportunity to promote, and support constituents in, reducing waste.

Austin, Texas, has implemented an ordinance that requires certain businesses to rescue surplus food and source-separate food scraps for processing separate from municipal solid waste. Each covered business must submit an annual diversion plan that gives an overview of the types of material that will be recovered and the handling strategy for each of these waste streams. To support enforcement efforts, city staff may inspect hauling and recycling contracts. The city also offers a Reduction or Reuse Credit, whereby businesses can offset performance standards for organics recycling through source reduction efforts. A Zero Waste Business Rebate of up to \$1,800 is also available to support businesses that are beginning or expanding zero waste initiatives, such as composting or recycling programs. Further, Austin Resource Recovery offers direct technical assistance to entities initiating organics diversion programs.

Establishing a framework for the state's highway department or other state agencies to use compost in construction projects is another incentive program that can be pursued to support compost markets. For example, Maryland's State Highway Administration has developed a specification for compost and compost-based products and identifies compost use as a best management practice to address soil erosion, sediment control, and stormwater management. Not only does this provide a broader incentive for use of compost in state projects, but it also helps create an end market for finished compost, acknowledging the importance of compost sales on the sustainability of processing facilities.

# Georgia Food Waste Policy Gap Analysis

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
<b>Organics Disposal Bans and Recycling Laws</b>	<p><b>No Policy</b></p> <p>Georgia currently has no organics disposal ban for food waste. However, the Georgia Environmental Protection Division does offer resources for composting and food residuals diversion for residents.<sup>2</sup></p>	<ul style="list-style-type: none"> <li>Enact an organic waste ban or mandatory organics recycling law for all commercial generators.</li> <li>Introduce a solid waste disposal tip fee that would help incentivize waste diversion while generating a revenue stream to fund wasted food prevention and diversion programs.</li> <li>Cities or counties may be able to enact their own organic waste bans for food waste or establish incentive programs for food donation or waste diversion because they have the power to develop their own solid waste disposal plans. Incentive programs can come in the form of recognition, certification, or regulatory relief.</li> </ul> <p><b>Note:</b> Progress on the recommendations below, particularly in the areas of Liability Protection, Tax Incentives, Organics Processing Permitting, Food Systems Plans, and Solid Waste Management Plans, can help make food waste reduction more common, which can lower barriers to implementing policies like a disposal ban.</p>
<b>Date Labeling</b>	<p><b>Weak Policy</b></p> <p>Georgia imposes date labeling requirements on eggs, milk, infant formula, shucked oysters, and any food requiring time/temperature control for safety (TCS) or food labeled “keep refrigerated.”<sup>3</sup> It further notes that “expiration date” is synonymous with “pull date,” “best-by date,” “best before date,” “use-by date,” and “sell-by date,” and thus does not clearly distinguish between quality and safety, which likely increases waste. Georgia also prohibits the sale of certain foods past their label date.</p>	<ul style="list-style-type: none"> <li>Establish guidelines expressly allowing the donation or the freezing of food after the quality-based date, and educate businesses about donation.</li> <li>Remove prohibition on offering milk and eggs past the sell-by date.</li> <li>Launch education campaigns and guidance documents that promote consumer awareness and education on the meaning of date labels.</li> <li>Align any updates to date labeling policy with federal guidance.</li> </ul>
<b>Food Donation Liability Protections</b>	<p><b>Weak Policy</b></p> <p>Georgia provides liability protection for donors and distributors of food offered for free and includes a presumption of good faith.<sup>4</sup> Liability protections do not cover donations directly to needy individuals or donations that are eventually supplied for a small fee.</p>	<ul style="list-style-type: none"> <li>Provide liability protection beyond that offered at the federal level by the Bill Emerson Good Samaritan Food Donation Act, including: <ul style="list-style-type: none"> <li>Liability protection for donations sold at a low price by distributing nonprofits.</li> <li>Liability protection for certain “direct donations” made by food businesses directly to those in need.</li> <li>Explicit liability protection when donors provide food products past a quality-based date.</li> </ul> </li> </ul>
<b>Tax Incentives for Food Rescue</b>	<p><b>No Policy</b></p> <p>Georgia offers no tax deductions or credits for the donation of food.</p>	<ul style="list-style-type: none"> <li>Offer tax incentives to offset the costs of food donation, including the cost of transporting donated food.</li> <li>Offer a tax credit for donation by farmers.</li> </ul>
<b>Organics Processing Infrastructure Permitting</b>	<p><b>Moderate Policy</b></p> <p>Georgia has a permit-by-rule specifically for the composting of source-separated food scraps, and its composting rule is based on the U.S. Composting Council’s Model Compost Rule Template.<sup>5</sup> Facilities, including small-scale operations, must apply for the permit-by-rule, but the application process is relatively easy. However, the permitting process for anaerobic digestion has fairly stringent requirements, which may discourage the establishment of such facilities.<sup>6</sup></p>	<ul style="list-style-type: none"> <li>Ensure that permitting requirements are kept up-to-date with best practices for composting.</li> <li>Review existing permitting pathway for anaerobic digestion of source-separated food waste to determine what can be modified to facilitate anaerobic digestion of food waste while still protecting public health and the environment.</li> <li>Bolster the market for finished compost by enacting procurement requirements for commercial developers and/or government agencies (e.g., mandatory consideration of a bid for use of compost).</li> </ul>

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
<b>Food Safety Policies for Share Tables</b>	<p><b>Moderate Policy</b></p> <p>Georgia has established safety guidance for food donation and share tables.<sup>7</sup> However, it does not explicitly encourage the adoption of share tables.</p>	<ul style="list-style-type: none"> <li>■ Amend existing guidance to explicitly encourage the adoption of share tables.</li> <li>■ Promote opportunities for schools to increase rescue through share tables and other methods.</li> </ul>
<b>Food Systems Plans, Goals, and Targets</b>	<p><b>No Policy</b></p> <p>The city of Atlanta has created a food systems plan.<sup>8</sup> However, no regional or statewide food systems plans exist.</p>	<ul style="list-style-type: none"> <li>■ Develop a comprehensive, statewide food systems plan, with clear goals and targets to build a local, sustainable food system and support local farmers. This plan should include considerations for food waste reduction.</li> <li>■ Establish a statewide framework and support system to achieve those targets.</li> <li>■ Support regional plans, which provide the opportunity to set goals and targets for supporting food systems and promoting food waste reduction strategies.</li> </ul>
<b>Plans Targeting Solid Waste</b>	<p><b>No Policy</b></p> <p>Georgia does not have a current solid waste management plan or specific goals for food waste reduction. The Environmental Protection Division (GEPD) has noted that it currently aligns itself with the EPA's waste reduction goal (see the GEPD website).<sup>9</sup></p>	<ul style="list-style-type: none"> <li>■ Develop a statewide solid waste management plan and provide updated specific waste diversion goals and recommendations for management of food waste through prevention, donation, rescue, and/or processing through composting or anaerobic digestion.</li> <li>■ Supplement the solid waste management plan with an organics management plan or zero-waste plan that highlights food waste as a diversion opportunity, including prevention, rescue, donation, and/or processing through composting or anaerobic digestion.</li> <li>■ Municipalities can modify local solid waste management plans to incorporate a stronger focus on food waste reduction, including establishing a timeline for achieving diversion goals.</li> <li>■ Ensure minimum standards for regional or local solid waste management plans, including dedicated strategies for food waste reduction.</li> </ul>
<b>Climate Action Goals</b>	<p><b>No Policy</b></p> <p>No specific climate action goals exist. Although the 2009 State Energy Strategy references studying the impact of federal climate change legislation and reporting emissions reductions in the Climate Registry, it does not discuss any initiatives that directly address either climate change initiatives or food waste.<sup>10</sup></p>	<ul style="list-style-type: none"> <li>■ Pass legislation and/or issue executive orders to establish climate action goals.</li> <li>■ Create specific recommendations for reducing wasted food through climate action planning, and task specific departments with actionable next steps for moving policy forward.</li> <li>■ In the absence of new legislation and/or executive orders, amend existing sustainability initiatives to further incorporate food waste reduction.</li> <li>■ Local climate action goals and plans can be passed to draw the connection between emission reductions and food waste reductions and to advance local efforts.</li> </ul>
<b>Grants and Incentive Programs Related to Food Waste Reduction</b>	<p><b>Weak Policy</b></p> <p>Georgia does not offer funding for food loss and waste rescue, no technical assistance is available, and available funding is insufficient.</p>	<ul style="list-style-type: none"> <li>■ Establish specific grants, incentives, and funding for food loss and waste prevention and the promotion of food rescue.</li> <li>■ Increase funding to support these activities. Reinstate full appropriations to the Solid Waste Trust Fund to support a stable funding mechanism for initiatives related to materials management.</li> <li>■ Establish a free technical assistance program to help businesses divert organics from the waste stream. Local technical assistance programs can support these efforts.</li> </ul>

# Georgia Food Waste Policy Inventory

## ORGANICS DISPOSAL BANS AND RECYCLING LAWS

Currently, there are no organics disposal bans or recycling laws in place in Georgia. The Georgia Environmental Protection Division offers a few tips and resources for composting and food residuals diversion for residents.<sup>11</sup>

## DATE LABELING

Date labeling is required for eggs, infant formula, milk, shucked oysters, and food that is labeled “keep refrigerated.” These food items cannot be sold after the label date. There are no explicit restrictions on donating these food items after the date. Some of the relevant rules and regulations are complementary to one another and offer more detail. For instance, 40-7-1-.13 explicitly states that past-date sale of certain foods is unlawful, while 40-3-1-.01 and 40-2-3-.01 specify which date labels are required for some of the food items listed in 40-7-1-.13, and 40-7-1-.02 provides alternative date labels for the remaining food items.

Citation	Summary & Key Elements	Source
Ga. Comp. R. & Regs. 40-7-1-.02 (2021)	<p><b>Title:</b> Retail Food Sales, Purpose &amp; Definitions</p> <p><b>Summary:</b> Provides definitions for what can be used for date labels, and states that the date on the label is the last day that specific food types can be sold.</p> <p><b>Key Elements</b></p> <ul style="list-style-type: none"> <li>■ Expiration date is synonymous with “pull date,” “best-by date,” “best before date,” “use-by date,” and “sell-by date.”</li> <li>■ This date marks the last day on which the following food items can be sold: eggs, infant formula, milk, shucked oysters, and any food requiring time/temperature control for safety (TCS) or food labeled “keep refrigerated.”</li> <li>■ TCS food is food that requires time and/or temperature control to limit pathogenic microorganism growth or toxin formation. It includes animal food that is raw or heat-treated, plant food that is heat-treated, raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes, and garlic-in-oil mixtures. It does not include air-cooled hard-boiled egg with shell intact; egg with shell intact that is not hard-boiled but has been pasteurized; or hermetically sealed, unopened food that is commercially processed.</li> </ul>	<a href="https://rules.sos.ga.gov/GAC/40-7-1-.02">https://rules.sos.ga.gov/GAC/40-7-1-.02</a>
Ga. Comp. R. & Regs. 40-7-1-.13 (2021)	<p><b>Title:</b> Retail Food Sales, Food Identity, Presentation, and Labeling</p> <p><b>Summary:</b> It is unlawful to sell eggs, infant formula, milk, shucked oysters, and TCS food or food labeled “keep refrigerated” after the expiration date stated on the label.</p>	<a href="https://rules.sos.ga.gov/GAC/40-7-1-.13">https://rules.sos.ga.gov/GAC/40-7-1-.13</a>
Ga. Comp. R. & Regs. 40-3-1-.01 (2021)	<p><b>Title:</b> Open Dating on Egg Cases and Egg Cartons</p> <p><b>Summary:</b> All eggs that are sold or offered for sale must use an “open date” that expresses the expiration date or the packing date.</p> <p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>■ The packing date is the date on which the eggs were washed, candled, and packed.</li> <li>■ The expiration date is the last day on which eggs can be sold at retail or wholesale.</li> <li>■ Eggs cannot be sold or offered for sale after the expiration date.</li> </ul>	<a href="https://rules.sos.ga.gov/GAC/40-3-1-.01#40-3-1-.01(e)1">https://rules.sos.ga.gov/GAC/40-3-1-.01#40-3-1-.01(e)1</a>
Ga. Comp. R. & Regs. 40-2-3-.01 (2021)	<p><b>Title:</b> Milk and Milk Products, Labeling, General</p> <p><b>Summary:</b> All containers of milk or milk products must be labeled with a “sell by” date in a conspicuous and clear manner.</p> <p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>■ This does not include frozen desserts and some shelf-stable products.</li> </ul>	<a href="http://rules.sos.ga.gov/gac/40-2-3-.01">http://rules.sos.ga.gov/gac/40-2-3-.01</a>

## FOOD DONATION LIABILITY PROTECTIONS AND TAX INCENTIVES FOR FOOD RESCUE

Georgia offers liability protection for food donation that goes beyond the federal protections for donated food. There are currently no tax incentives for food donation or rescue in Georgia.

Citation	Summary & Key Elements	Source
Ga. Code Ann. § 51-1-31 (2020)	<p><b>Title:</b> Liability From Donation of Canned or Perishable Food to Charitable or Nonprofit Organizations for Use or Distribution</p> <p><b>Summary:</b> Outlines Georgia's liability protections for good-faith donors, gleaners, and distributors, absent recklessness or intentional misconduct.</p> <p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>■ Donors include, but are not limited to, farmers, processors, distributors, wholesalers, retailers of food, or commercial food service operators.</li> <li>■ Gleaners are those who harvest for use or distribution an agricultural crop that has been donated by the owner.</li> <li>■ A good-faith donor or gleaner who donates any canned or perishable food apparently fit for human consumption to a charitable or nonprofit organization for use or distribution is not subject to criminal penalty or civil damages that may come from the condition of the food donated unless injury results from recklessness or intentional misconduct of the donor or gleaner.</li> <li>■ Charitable or nonprofit organizations that accept any canned or perishable food apparently fit for human consumption from a good-faith donor or gleaner for use or distribution are not subject to criminal penalty or civil damages unless injury results from recklessness or intentional misconduct of the charitable or nonprofit organization.</li> <li>■ This protection also covers donated food that is not readily marketable due to appearance, freshness, grade, surplus, or other similar considerations.</li> <li>■ The code does not restrict the authority of any lawful agency to otherwise regulate or ban the use of food for human consumption.</li> </ul>	<p><a href="https://law.justia.com/codes/georgia/2010/title-51/chapter-1/51-1-31/">https://law.justia.com/codes/georgia/2010/title-51/chapter-1/51-1-31/</a></p>

## ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

The Georgia Department of Natural Resources (GADNR) Environmental Protection Division (EPD) regulates composting, mulching, and anaerobic digestion facilities in the state. Georgia adopted tiered regulations for composting in its 2014 rule, which was amended in 2018 with revisions and creation of a permit-by-rule tier for food scrap composting to facilitate such composting in the state. Georgia's 2014 composting rule grew out of the U.S. Composting Council's Model Compost Rule Template, which Georgia's EPD helped create (and upon which Tennessee's rules also are modeled).<sup>12</sup> The model rule created the term "contact water," which GADNR defines as a liquid that has "passed through or emerged from raw feedstocks and materials that are being processed; liquid that has come into contact with equipment that is dedicated to the composting or anaerobic digestion process; and which contains extracted, dissolved or suspended materials. Contact water also includes condensate from gases resulting from the composting and the anaerobic digestion processes." Only a handful of composting facilities in Georgia have permits to process source-separated food scraps. Community composting sites receiving off-site food scraps must apply for a permit-by-rule (i.e., they are not exempt from permitting), but the application process is not onerous.<sup>13</sup> The GADNR has more explicit requirements for anaerobic digesters in its solid waste rule than any other states reviewed for this project. For example, it includes requirements for feedstock and digestate storage, and monitoring of chemical oxygen demand and alkalinity; other states do not have these types of requirements for AD in their solid waste rules. No food waste digesters are in operation.

Food waste can be diverted to feed for swine but cannot contain any animal tissue.

Citation	Summary & Key Elements	Source
<p><b>Ga. Comp. R. &amp; Regs. R. 391-3-4-.16 (Amended March 2018)</b></p>	<p><b>Title:</b> Composting, Mulching and Anaerobic Digestion Facilities</p> <p><b>Summary:</b> Regulations cover all organics recycling involving solid waste. Includes five classes of composting facilities and one class for anaerobic digestion and in-vessel composting. Feedstocks are divided into four categories.</p> <p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>■ Feedstock categories include: <ul style="list-style-type: none"> <li>A. Yard trimmings, land-clearing debris, agricultural residuals generated and processed on site, untreated and unpainted wood, or any combination thereof.</li> <li>B. Agricultural residuals generated off site, herbivorous animal manure generated at a zoo, and/or source-separated organics.</li> <li>C. Sewage sludge and biosolids not managed as part of a treatment works.</li> <li>D. Dissolved air flotation skimmings or sludge generated from food processing and dewatered septage.</li> </ul> </li> <li>■ Composting facilities by class (each class has its own design and operating standards): <ul style="list-style-type: none"> <li><input type="checkbox"/> Class 1: Grinding, chipping, and/or mulching Category A feedstock only; solid waste permit not required.</li> <li><input type="checkbox"/> Class 2: permit-by-rule (see below).</li> <li><input type="checkbox"/> Class 3: May compost Category A and B feedstocks; there are no limits on quantity, and the facility must be designed by a licensed engineer. More stringent (than Class 1 and 2) pad requirements (all-weather pad with slope between 2 percent and 6 percent to prevent ponding of water). Must have odor minimization plan that includes complaint response protocol, odor control measures, and odor monitoring protocol.</li> <li><input type="checkbox"/> Class 4: May compost Category A, B, and C feedstocks; has the most stringent pad requirements of all of the Classes (e.g., 1 foot in thickness with a hydraulic conductivity not exceeding <math>1 \times 10^{-5}</math> cm/sec). Must contain contact water in a tank with secondary containment or in an impoundment with a liner system consisting of a one-foot layer of compacted soil with a hydraulic conductivity of no more than <math>1 \times 10^{-7}</math> cm/sec; must conduct groundwater monitoring.</li> <li><input type="checkbox"/> Class 5: May compost Category A, B, C, and D feedstocks.</li> <li><input type="checkbox"/> Class 6: Employ in-vessel composting or anaerobic digestion. These facilities may process Category A, B, C, and D feedstocks (see below).</li> </ul> </li> <li>■ Class 3–6 composting facilities and anaerobic digestion facilities that compost on site shall meet the test standards and requirements for end products laid out in the rule.</li> <li>■ Georgia’s air quality rules do not cover composting.</li> <li>■ Stormwater management requirements are contained in the composting rules and increase in stringency by class.</li> </ul>	<p><a href="http://rules.sos.ga.gov/GAC/391-3-4-.16">http://rules.sos.ga.gov/GAC/391-3-4-.16</a></p>

Citation	Summary & Key Elements	Source
<p><b>Ga. Comp. R. &amp; Regs. R. 391-3-4-.16(5) (b)</b></p>	<p><b>Title:</b> Design and Operating Standards for Composting Facilities by Class (within the “Composting, Mulching and Anaerobic Digestion Facilities” regulations)</p> <p><b>Summary:</b> Facilities composting Category A and B feedstocks that meet both of the quantity and feedstock type criteria (see Key Elements) may operate under a permit-by-rule for composting facilities. This includes community composting sites accepting off-site food scraps.</p> <p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>■ Receive less than 500 tons/month of Category B feedstocks.</li> <li>■ Category B feedstocks must be restricted to exclude the receipt of non-vegetative food processing residuals and manures, e.g., poultry processing waste.</li> <li>■ Composting area shall be constructed to maintain its structural integrity under operating conditions and be capable of supporting vehicular traffic.</li> <li>■ Facility shall have stormwater control measures and prevent contact water from the active composting area from going into surface water or into curing or finished compost areas.</li> <li>■ For windrow operations, the maximum composting process windrow size and minimum composting process windrow spacing shall match capability and requirements of the equipment used at the facility.</li> <li>■ By the end of each operating day, all incoming Category B feedstock must be processed into the active composting area, transferred to leakproof containment, or mixed with bulking material and covered in a manner that minimizes nuisance odors and scavenging by vectors.</li> <li>■ Operation and management must at all times be under the supervision and control of an individual properly trained in the operation of such facilities. Facility operations managers must be able to document training in the basics of composting facility operations.</li> </ul>	<p>Guide to Class 2 permit-by-rule:  <a href="https://epd.georgia.gov/composting-and-mulching">https://epd.georgia.gov/composting-and-mulching</a></p> <p>Additional resource:  <a href="https://ilsr.org/wp-content/uploads/2019/03/Compost-BMP-Appendix-E.pdf">https://ilsr.org/wp-content/uploads/2019/03/Compost-BMP-Appendix-E.pdf</a></p>
<p><b>Ga. Comp. R. &amp; Regs. R. 391-3-4-.16(3)</b></p>	<p><b>Title:</b> Exemptions (within the “Composting, Mulching and Anaerobic Digestion Facilities” regulations)</p> <p><b>Summary:</b> Composting of less than 40 tons/year of food scraps generated on site is exempt; small-scale community operations taking off-site food scraps are regulated under the permit-by-rule tier.</p> <p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>■ The following composting activities are exempt from permitting: <ul style="list-style-type: none"> <li>□ Backyard composting.</li> <li>□ A facility composting or mulching only Category A feedstock.</li> <li>□ A facility processing less than 40 tons/year of food residuals generated on site and composted in leakproof containers that prohibit vector attraction and prevent nuisance odor generation.</li> <li>□ Composting of food residuals and yard trimmings generated on site at a K-12 institution for educational purposes.</li> </ul> </li> </ul>	<p><a href="http://rules.sos.ga.gov/GAC/391-3-4-.16?urlRedirected=yes&amp;data=admin&amp;lookingfor=391-3-4-.16">http://rules.sos.ga.gov/GAC/391-3-4-.16?urlRedirected=yes&amp;data=admin&amp;lookingfor=391-3-4-.16</a></p>

Citation	Summary & Key Elements	Source
<p><b>Ga. Comp. R. &amp; Regs. R. 391-3-4-.16. Sec.5(f)</b></p>	<p><b>Title:</b> Class 6 In-Vessel Composting and Anaerobic Digestion (AD) Facilities</p> <p><b>Summary:</b> Covers anaerobic digestion of feedstocks in solid waste stream. AD facilities located at a wastewater treatment plant and on-farm anaerobic digesters or lagoons are permitted in accordance with the Georgia Rules for Water Quality Control.</p> <p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>■ May process Category A, B, C, and D feedstocks.</li> <li>■ Design standards require description of the type of technology to be used, including drawings and specifications of composting or digestion equipment and a process flow diagram that includes the types of major material-handling equipment and material flow.</li> <li>■ No quantity limits; required to report anticipated annual operational capacity in cubic yards or gallons/day.</li> <li>■ Operator training is required.</li> <li>■ Class B, C, and D feedstocks can be stored in leakproof containers with lids that prevent vector or odor problems for a period of time to allow for proper organic loading of the digester. This time period must not exceed four days.</li> <li>■ Digestate not contained in an in-vessel digester, sealed container, or sealed structure must be removed from the site within 24 hours and either disposed of or processed at a permitted solid waste facility or incorporated into a permitted, on-site compost operation. Digestate may be stored in a sealed container or sealed structure for up to nine months. By-products from the separation of digestate shall be stored separately and in sealed containers.</li> <li>■ Addition of a composting operation co-located at an AD facility requires a major permit modification (essentially a new permitting process).</li> <li>■ In addition to digestate testing requirements, AD facilities must do the following: <ul style="list-style-type: none"> <li>□ Perform daily testing of chemical oxygen demand if feedstocks change on a daily basis, or weekly if the feedstocks are consistent or if the digester is at steady state—i.e., the treatment level or the gas production is constant for at least three hydraulic retention times (HRT).</li> <li>□ Measure alkalinity daily if the feedstocks change on a daily basis or weekly if the feedstocks are consistent or if the digester is at steady state.</li> <li>□ Monitor gas production.</li> </ul> </li> </ul>	<p><a href="http://rules.sos.ga.gov/GAC/391-3-4-.16?urIRedirected=yes&amp;data=admin&amp;lookingfor=391-3-4-.16">http://rules.sos.ga.gov/GAC/391-3-4-.16?urIRedirected=yes&amp;data=admin&amp;lookingfor=391-3-4-.16</a></p>

Citation	Summary & Key Elements	Source
Ga. Code Ann § 4-20-20 <i>et seq.</i> (2020)	<p><b>Title:</b> Feeding Garbage to Animals</p> <p><b>Summary:</b> Outlines the definition of <i>garbage</i>, more commonly called <i>swill</i>, and the guidelines for feeding various types of garbage to swine.</p> <p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>■ Section 20: Garbage is defined as all refuse matter—both vegetable and animal, by-products of kitchens, restaurants, or slaughterhouses, and every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise.</li> <li>■ Section 21: Except as provided below, it is unlawful to feed garbage to animals unless a person is feeding garbage from their own household to their own animals.</li> <li>■ Section 22: It is unlawful to feed garbage (defined in this section as refuse matter or by-product that contains animal tissue or that has been mixed with animal tissue, whether liquid or otherwise) to swine, and unlawful to place garbage in close proximity to swine where the swine could eat it.</li> <li>■ Section 22(c): Section 22 does not apply to any person who raises swine solely for slaughter and consumption on the farm or property on which the swine are raised, provided that the person does not purchase and import or permit the importation onto such farm or property on which swine are raised any swine, portion of the carcass of any swine, pork food product, or garbage containing any animal tissue, whether liquid or otherwise; and does not sell, trade, exchange, export, or otherwise dispose of any swine, portion of the carcass of any swine, pork food product, or any garbage or refuse containing any portion thereof outside of such farm or property on which the swine are raised.</li> <li>■ Section 23: A person can feed garbage that does not contain animal tissue to swine if he or she has properly obtained a license that remains valid. This does not apply to those feeding their own animals garbage from their own household. No license will be issued for the feeding of any garbage to swine as defined in Section 22 (containing animal tissue) unless the qualifications under Section 22(c) are met.</li> </ul>	<p>Accessible on LexisNexis:</p> <p>Section 20: O.C.G.A. § 4-4-20</p> <p>Section 21: O.C.G.A. § 4-4-21</p> <p>Section 22: O.C.G.A. § 4-4-22</p> <p>Section 23: O.C.G.A. § 4-4-23</p>

## FOOD SAFETY POLICIES FOR SHARE TABLES

Georgia’s agencies responsible for food donation have issued comprehensive guidance on food safety specifically for donated food; the Standard Operating Procedure document supplies Georgia-specific food safety guidance complementing the general recommendations of the USDA regarding share tables.<sup>14</sup>

Citation	Summary & Key Elements	Source
Standard Operating Procedure (SOP): Sharing Tables/Redistribution of Food	<p><b>Summary:</b> The Georgia Department of Education and Georgia Department of Public Health collaborated to produce this SOP for share tables in schools.</p> <p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>■ Quotes relevant regulations, stating that non-time/temperature-controlled foods may be redistributed if the food is dispensed such that the dispensing container is closed between uses and the food is unopened and in sound condition.</li> <li>■ Whole fruits with inedible peels and individual cartons of non-time/temperature-controlled fruit juice may be redistributed as long as they are in sound condition.</li> <li>■ Recommends offer versus serve (OVS), which permits students to decline certain foods they do not want to eat.</li> <li>■ Recommends monitoring to ensure no past-date foods are shared.</li> <li>■ Provides resource for recordkeeping.</li> </ul>	<p><a href="http://snp.wgadoc.org/wp-content/uploads/GeorgiaSharingTableSOPv0916.pdf">http://snp.wgadoc.org/wp-content/uploads/GeorgiaSharingTableSOPv0916.pdf</a></p>

## FOOD SYSTEMS PLANS, GOALS, AND TARGETS

A number of municipalities in Georgia have strategies for making their food system local and sustainable. Most of these strategies stem from the Atlanta region, and many of the elements within each plan complement those of other plans. For instance, the Resilient Atlanta Strategy focuses on building urban agricultural initiatives, while the Plan for Atlanta's Sustainable Food Future aims to preserve green space and farmland near cities and build local economies by focusing on support for locally produced food and locally owned businesses.

Citation	Summary & Key Elements	Source
<p><b>East Point City Agriculture Plan</b></p>	<p><b>Summary:</b> Food Well Alliance and the Atlanta Regional Commission are developing this plan (currently in draft form) to ensure that local food continues to be integrated into East Point City plans and programs in the face of development pressure in the Atlanta region. The plan aims to strengthen place-based food system relationships and preserve and grow urban farming in the city. A place-based food system makes the ties among producers, processors, distributors, consumers, and postconsumer waste disposal of food visible and integrated to enhance the environmental, economic, social, and nutritional health of a community and its residents.</p> <p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>■ Outlines the community outreach and engagement efforts that went into asset mapping and planning.</li> <li>■ Recommends growing farm-to-school initiatives.</li> <li>■ Strategizes for more mobile market opportunities.</li> <li>■ Recommends strategies to build food security and food access.</li> <li>■ Advocates for urban agriculture and plans for expanding resources to facilitate urban agriculture.</li> <li>■ Recommends zoning reform to encourage urban agriculture.</li> <li>■ Recommends various economic development strategies.</li> <li>■ Plans for healthy eating initiatives.</li> </ul>	<p><a href="https://static1.squarespace.com/static/543c2e74e4b0a10347055c4d/t/60009539493e8f6ee6afebfb/1610650939822/East+Point+City+Agriculture+Plan+%286%29.pdf">https://static1.squarespace.com/static/543c2e74e4b0a10347055c4d/t/60009539493e8f6ee6afebfb/1610650939822/East+Point+City+Agriculture+Plan+%286%29.pdf</a></p>
<p><b>Resilient Atlanta Strategy (3.3.1, 3.3.2)</b></p>	<p><b>Summary:</b> As part of the City of Atlanta's Resilient Atlanta Strategy, Actions 3.3.1 and 3.3.2 set goals of developing a resilient local food system by 2025 and encouraging urban agriculture.</p> <p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>■ Building on a Rockefeller Foundation report on resilient food systems, the Atlanta Mayor's Office of Resilience will work with nonprofit partners to map food systems and plan for a more sustainable food system for the city.</li> <li>■ Proposes the establishment of an Urban Agriculture Bank, Conservation, and Trust (UABCT) to identify and distribute 25 acres of arable land to urban farmers.</li> </ul>	<p><a href="https://drive.google.com/file/d/1XRxn6graZUacE-SISgRLf3005AzY0Qk2/view">https://drive.google.com/file/d/1XRxn6graZUacE-SISgRLf3005AzY0Qk2/view</a></p>
<p><b>A Plan for Atlanta's Sustainable Food Future</b></p>	<p><b>Summary:</b> Developed by the Atlanta Local Food Initiative, this 2008 document addresses sustainability in the food system in Atlanta and identifies goals for the next five years.</p> <p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>■ The main focus of this plan is to promote healthy eating, reduce petroleum consumption, preserve green space and farmland within and near cities, reduce harmful environmental impacts, minimize pesticide exposure for farmworkers and consumers, build local economies, create new jobs, strengthen the social fabric of communities, and celebrate food heritage and cultural traditions.</li> <li>■ Identifies goals broken out by "supply," "consumption," and "access."</li> <li>■ General goals include expanding urban agriculture, launching farm-to-school programs, expanding cooking skills, and increasing local, fresh food availability.</li> </ul>	<p><a href="https://cdn.atlantaregional.org/wp-content/uploads/alfi-plan-book.pdf">https://cdn.atlantaregional.org/wp-content/uploads/alfi-plan-book.pdf</a></p>

## PLANS TARGETING SOLID WASTE

Georgia’s Comprehensive Solid Waste Management Act contains the minimum standards for regional-level solid waste management plans. The state does not currently have an updated solid waste management plan. According to the Environmental Protection Division’s (EPD) website, the EPD has aligned itself with the goal of recovering “wasted food” destined for landfills.<sup>15</sup> This is in line with the U.S. EPA’s 2030 Food Loss and Waste Reduction Goal.<sup>16</sup> G. Comp. R. & Regs. 110-4-3 outlines the updated steps required to prepare and implement a local, multi-jurisdictional, or regional solid waste management plan pursuant to OC.G.A. 12-8-31.1 to “maintain the momentum established through past planning efforts.” The updated framework requires that local governments develop a plan that assesses the current status of solid waste management within a planning area, define their solid waste planning needs and goals, and determine how an effective and comprehensive solid waste management program will be implemented within their jurisdiction.

Citation	Summary & Key Elements	Source
<p><b>Ga. Code Ann § 12-8-20 et seq. (2020)</b></p> <p><b>Ga. Comp. R. &amp; Regs. §110-4-3 (2004)</b></p>	<p><b>Title:</b> Georgia Comprehensive Solid Waste Management Act</p> <p><b>Summary:</b> Establishes a comprehensive program for solid waste management in the state.</p> <p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>■ Requires the state to develop a solid waste management plan and develop minimum standards for regional or local solid waste management plans.</li> <li>■ Creates a policy that the state will educate and encourage generators to reduce waste through various strategies, including composting.</li> <li>■ Acknowledges a goal to reduce per-capita municipal solid waste disposed in the state.</li> <li>■ Creates a Solid Waste Trust Fund.</li> </ul>	<p><a href="http://rules.sos.state.ga.us/gac/110-4-3">http://rules.sos.state.ga.us/gac/110-4-3</a></p>

## CLIMATE ACTION GOALS

As explained on the Georgia Environmental Protection Division’s website, many of the criteria that the state seeks to meet related to reduction of greenhouse gases are based on federal requirements.<sup>17</sup> While the state has released two greenhouse gas emissions inventories, there are generally few initiatives or goals set forth at the state level to reduce these emissions. While the GEPD website notes that these inventories will be released every three years, only reports from 1990-2005 (released 2008) and 1990-2008 (released 2012) are available on the site. Additionally, on August 16, 2006, then governor Sonny Perdue appointed a Governor’s Energy Policy Council to develop a State Energy Strategy.<sup>18</sup>

Citation	Summary & Key Elements	Source
<p>State Energy Strategy Update (2009)</p>	<p><b>Summary:</b> Developed under the direction of Governor Perdue by the Georgia Environmental Facilities Authority, this is an update to the original road map that was released in 2006.</p> <p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>■ Highlights the governor’s goal to reduce energy consumption per square foot in state facilities to 15 percent below 2007 levels by 2020.</li> <li>■ Focuses primarily on petroleum, natural gas, coal, renewable energy (including biomass), and electricity.</li> <li>■ Includes a recommendation to recruit businesses that operate using waste products from other industries as feedstocks.</li> </ul>	<p><a href="https://gefa.georgia.gov/sites/gefa.georgia.gov/files/related_files/document/Georgia-Energy-Report-2009.pdf">https://gefa.georgia.gov/sites/gefa.georgia.gov/files/related_files/document/Georgia-Energy-Report-2009.pdf</a></p>

## GRANTS AND INCENTIVE PROGRAMS RELATED TO FOOD WASTE REDUCTION

Georgia maintains a Solid Waste Trust Fund that offers some funding for diversion programs. Additionally, the Department of Community Affairs offers resources for municipal recycling programs.

Citation	Summary & Key Elements	Source
<p><b>Ga. Dept. Nat. Res. Env't Prot. Div. Solid Waste Trust Fund</b></p> <p><b>Ga. Code Ann § 12-8-20 et seq. (2020)</b></p>	<p><b>Summary:</b> Provides money to be appropriated to the Environmental Protection Division for cleanup and recycling initiatives. The fund was established through the Georgia Comprehensive Solid Waste Management Act. A 1992 amendment ensured that \$1 for each new tire sold in the state would be contributed to this fund. In 2019, House Bill 220 extended fee collection through FY 2022. The fee on each new tire is now \$0.38.</p> <p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>■ Under the act, the Environmental Protection Division must provide an annual report explaining the initiatives supported through this trust fund.</li> <li>■ The fund is sustained by a fee collected with each sale of a new tire in the state.</li> <li>■ This fund supports recycling initiatives, cleanups of scrap tires, and landfill management. This does not include food waste reduction initiatives.</li> </ul>	<p><a href="https://epd.georgia.gov/about-us/land-protection-branch/recovered-materials/solid-waste-trust-fund">https://epd.georgia.gov/about-us/land-protection-branch/recovered-materials/solid-waste-trust-fund</a></p>
<p><b>Solid Waste Management &amp; Recycling Assistance</b></p>	<p><b>Summary:</b> The Georgia Department of Community Affairs offers support for development and expansion of recycling programs and provides a Source Separated Organics Recycling Toolkit, funded by EPA, for local governments and other service providers.</p>	<p><a href="https://www.dca.ga.gov/local-government-assistance/planning/local-planning/solid-waste-management-recycling-assistance">https://www.dca.ga.gov/local-government-assistance/planning/local-planning/solid-waste-management-recycling-assistance</a></p>
<p><b>Georgia Department of Agriculture</b></p>	<p><b>Summary:</b> The Department of Agriculture does not offer grants to individuals or businesses but administers federal grants and cooperative agreements through internal departmental divisions.</p>	<p><a href="http://agr.georgia.gov/grants.aspx">http://agr.georgia.gov/grants.aspx</a></p>

# Food Waste Reduction Policy Gap Analysis Rubric

Organics Disposal Bans and Recycling Laws	Date Labeling	Food Donation Liability Protections	Tax Incentives for Food Rescue	Organics Processing Infrastructure Permitting	Food Safety Policies for Share Tables	Food Systems Plans, Goals, and Targets	Plans Targeting Solid Waste	Climate Action Goals	Grants and Incentive Programs Related to Food Waste Reduction
<b>NO POLICY</b>									
No organics disposal bans or mandatory organics recycling laws for food waste have been enacted, and there is no financial incentive structure to encourage food donation or food waste diversion.	There are no laws pertaining to date labels on food products.	There is no state-based liability protection for donated food.	There are no tax incentives for food donation.	<p>Solid waste regulations have no separate streamlined tier for processing source-separated organics. That is, food waste composting is considered solid waste composting, and this presents a barrier to entry for small composters.</p> <p>There is no acknowledgment of anaerobic digestion of source-separated organics from the municipal solid waste stream.</p> <p>No exemption tier exists for small quantities of source-separated food waste.</p>	N/A	No regional or statewide food systems plans exist. Some local plans may exist.	No solid waste management plan or organics management plan exists at the state level.	No climate action goals exist.	No state plans, programs, or policies allocate funding or incentives to support food waste reduction.

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<b>WEAK POLICY</b>									
<p>Organics disposal bans or mandatory organics recycling laws have been enacted but are ineffective due to exemptions, limited scope, and/or lack of guidance.</p>	<p>The state requires date labels for certain foods and prohibits or limits the sale or donation of food after its label date.</p>	<p>State-based liability protections for food donation exist but are no broader than the federal-level protections or cover either food donors or food rescue organizations, but not both.</p>	<p>N/A</p>	<p>There is a regulatory tier that includes source-separated organics, but at least two of the following are true:</p> <ul style="list-style-type: none"> <li>■ Requirements for composting source-separated organics are the same as those for composting mixed solid waste, creating significant barriers to opening a facility.</li> <li>■ Quantity or acreage limitations for source-separated organics tier(s) negatively impact economic viability of operation.</li> <li>■ Regulations include language about anaerobic digestion of source-separated organics but are vague or have no language addressing what is allowed.</li> </ul>	<p>Share tables are allowed, but the state provides no resources or guidance on food donation safety, OR the state's share table rules are more restrictive than federal guidance.</p>	<p>Some regional food systems plans exist, but they do not have the support of the state and do not adequately consider food waste reduction in food systems planning.</p>	<p>Solid waste management plans exist but are out of date (more than 10 years old) and do not highlight food waste as a diversion opportunity (via prevention, rescue, donation, and/or processing through composting or anaerobic digestion).</p>	<p>Climate action goals exist, but one of the following is true:</p> <ul style="list-style-type: none"> <li>■ Goals are in the form of executive orders, with no legislative framework.</li> <li>■ There has been limited legislative action but no real framework or actionable next steps to achieve targets.</li> </ul>	<p>Grants, incentives, or funds for food waste reduction are available, but more than one of the following is true:</p> <ul style="list-style-type: none"> <li>■ Funding is not explicitly allocated for food waste reduction work as opposed to other diversion strategies.</li> <li>■ Funding opportunities are not made known to or accessible to relevant applicants.</li> <li>■ Available funding is unsustainable or insufficient to support desired activities (includes the issuance of one-time grants but does not include funding on pause due to COVID-19).</li> <li>■ No technical assistance is available to food service waste generators to support food waste reduction efforts.</li> </ul>

Organics Disposal Bans and Recycling Laws	Date Labeling	Food Donation Liability Protections	Tax Incentives for Food Rescue	Organics Processing Infrastructure Permitting	Food Safety Policies for Share Tables	Food Systems Plans, Goals, and Targets	Plans Targeting Solid Waste	Climate Action Goals	Grants and Incentive Programs Related to Food Waste Reduction
<b>MODERATE POLICY</b>									
Organics disposal bans or mandatory recycling laws are imposed on select commercial generators, with few exemptions.	The state requires date labels for certain foods but does not prohibit or limit the sale or donation of food after its label date.	State-based liability protections cover donations directly to individuals or donations that are supplied for a small fee, or are otherwise slightly more expansive than the federal-level protections.	The state offers a tax incentive for donating food, but the incentive does not fully offset the costs associated with donation, including transportation.	There is a regulatory tier that includes source-separated organics, and the state may have committed to market development for recycled organic materials, but one of the following is true: <ul style="list-style-type: none"> <li>■ Requirements for composting source-separated organics are the same as those for composting mixed solid waste, creating significant barriers to opening a facility.</li> <li>■ Quantity or acreage limitations for source-separated organics tier(s) negatively impact economic viability of operation.</li> <li>■ Regulations include language about anaerobic digestion of source-separated organics but are vague or have no language addressing what is allowed.</li> </ul>	Share tables are allowed, and the state provides share table guidance, though that guidance is limited.	Robust regional food systems plans or state food systems plans exist, but one of the following is true: <ul style="list-style-type: none"> <li>■ Framework or support to achieve targets is limited.</li> <li>■ There is no coordination with other regional food systems plans (if no state plan exists).</li> <li>■ Plans' consideration of food waste reduction is inadequate.</li> </ul>	Solid waste management plans and/or organics management plans exist and highlight food waste as a diversion opportunity (via prevention, rescue, donation, and/or processing through composting or anaerobic digestion) but are out of date (more than 10 years old) or have limitations.	Climate action goals exist, and one of the following is true: <ul style="list-style-type: none"> <li>■ Legislated climate action planning sets forth recommendations for reducing food waste.</li> <li>■ Specific departments have been tasked with actionable next steps for moving policy forward.</li> </ul>	Grants, incentives, or funds for food waste reduction are available, and one of the following is true: <ul style="list-style-type: none"> <li>■ Funding is not explicitly allocated for food waste reduction work as opposed to other diversion strategies.</li> <li>■ Available funding is unsustainable or insufficient to support desired activities.</li> <li>■ No technical assistance is available to food service waste generators to support food waste reduction efforts.</li> </ul>

Organics Disposal Bans and Recycling Laws	Date Labeling	Food Donation Liability Protections	Tax Incentives for Food Rescue	Organics Processing Infrastructure Permitting	Food Safety Policies for Share Tables	Food Systems Plans, Goals, and Targets	Plans Targeting Solid Waste	Climate Action Goals	Grants and Incentive Programs Related to Food Waste Reduction
<b>STRONG POLICY</b>									
<p>Organics disposal bans or mandatory recycling laws for food waste have been enacted and are enforced for all commercial generators (and potentially for individuals at the household level).</p>	<p>The state maintains a standardized, mandatory date labeling policy that clearly differentiates between quality-based and safety-based labels; the state does not prohibit or limit the sale or donation of food after its label date; and the state has issued clear permission to donate after the quality-based date.</p>	<p>State-based liability protections are more expansive than the Bill Emerson Good Samaritan Food Donation Act and apply to donations directly to individuals as well as donations that are supplied to the final consumer for a small fee.</p>	<p>The state offers tax deductions or tax credits for donating food that offset the costs associated with donation, including transportation.</p>	<p>The state has a regulatory tier that includes source-separated organics and has committed to market development for recycled organic materials, and all of the following are true:</p> <ul style="list-style-type: none"> <li>■ Policy reduces barriers to entry for composting source-separated organics, such as through simplified permitting for the addition of food scraps at existing yard trimmings composting facilities or via exemption from permitting for small-scale and/or community composting operations.</li> <li>■ Restrictions imposed on facility design and operation are in sync with best management practices for composting of source-separated organics.</li> <li>■ There is a separate permitting pathway in solid waste regulations for anaerobic digestion of source-separated food waste that includes, where applicable, requirements similar to those imposed on composting source separated food waste—for example, contaminant limits on digestate that are similar to limits imposed on compost.</li> </ul>	<p>Share tables are allowed and encouraged, and the state provides state-specific guidelines or instructions about food safety as it relates to donation.</p>	<p>The state has developed comprehensive, statewide food systems plans, and both of the following are true:</p> <ul style="list-style-type: none"> <li>■ There is a robust framework or support to achieve clear goals and targets.</li> <li>■ Reduction of food loss and waste is a major component of food systems plans.</li> </ul>	<p>Solid waste management plan, zero waste plan, or organics management plan is kept current, and it outlines waste diversion goals and recommendations for diversion, including reduction of food waste (via prevention, rescue, donation, and/or processing through composting or anaerobic digestion).</p>	<p>Climate action goals exist, and both of the following are true:</p> <ul style="list-style-type: none"> <li>■ Legislated climate action planning sets forth recommendations for reducing food waste.</li> <li>■ Specific departments have been tasked with actionable next steps for moving policy forward.</li> </ul>	<p>Grants, incentives, or funds for food waste reduction are available, and all of the following are true:</p> <ul style="list-style-type: none"> <li>■ Funding is explicitly allocated for food waste reduction work as opposed to other diversion strategies.</li> <li>■ Available funding is sustainable and sufficient to support desired activities.</li> <li>■ Free technical assistance is available to food service waste generators to support food waste reduction efforts.</li> </ul>

ENDNOTES

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