



REPORT

OHIO FOOD WASTE POLICY GAP ANALYSIS AND INVENTORY



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Glossary of Terms

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

This report comprises a gap analysis and detailed inventory of food waste-related policies in Ohio. 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 non-existent. 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

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 Great Lakes 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 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.¹

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 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

States in the Great Lakes region have not established dual date labeling systems that clearly distinguish between 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. In addition, 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 Great Lakes have tax incentives for food rescue, and none of the states or jurisdictions reviewed in the Mid-Atlantic or Southeast 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 Great Lakes Region

The organics processing infrastructure permitting policy inventories for the four Great Lakes states covered in this report reveal a regulatory hodgepodge—from essentially no permitting oversight of food scrap composting in Michigan to a well-established, tiered regulatory approach in Ohio.

An official in the Solid Waste Section of the Michigan Department of Environment, Great Lakes, and Energy (MI EGLE) said new composting regulations that use a tiered approach to the permitting of composting facilities will be introduced in the legislature in 2021. The department also proposes to change the existing term for food waste (*garbage*) to *source-separated food waste*. Currently, MI EGLE does not have a permit for sites to accept source-separated food waste. Facilities processing less than 5,000 cubic yards per acre are required only to register with the state; facilities wanting to process more than that must show they have capacity and capability to compost a greater volume of material.

Illinois regulations accommodate food scrap composting, but the allowance (“up to 49 percent additives,” which include food waste) is in a Public Act rather than the solid waste regulation. The Illinois Environmental Protection Agency (IL EPA) is revising its regulations in 2021 to include food scrap composting permitting in its solid waste rule.

Ohio has had tiered regulation since its composting rules were promulgated in 1993. It revises the rules as necessary. For example, in 2012 the Ohio Environmental Protection Agency (OEPA) added a 300-square-foot area-based (versus quantity-based) exemption for small-scale composting of yard trimmings and food scraps, such as at community gardens. Rule revisions made in 2018 increased that limit to 500 square feet, in large part because the agency observed that these sites were operated without causing public nuisances.

The Wisconsin Department of Natural Resources (WI DNR) exempts facilities from obtaining a compost license if they process less than 50 cubic yards of yard materials or food scraps at one time. All facilities handling matter that meets the state's definition of source-separated compostable materials and that are processing more than 50 cubic yards of it must obtain a composting "license" (permit). Food scraps are categorized as a source-separated material; sites that manage no more than 5,000 cubic yards source-separated compostable material on site at one time may operate under reduced regulatory requirements.

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

Three of the four Great Lakes states analyzed here have established strong policies to provide guidance for share tables in schools. Notably, Wisconsin offers guidance on food rescue in schools as well as food safety requirements. In 2016 the state's Department of Public Instruction issued a letter encouraging efforts to reduce waste at school meals. Actions along these lines can also help to 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

Illinois offers an example of a strong policy in this category, having developed a comprehensive statewide plan for managing both food and agriculture systems that takes food waste reduction into consideration. In the absence of state-level documents, many cities have also taken a leadership role in developing their food systems plans. 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 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 food 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, Illinois's Compost-Amended Soil Construction Act requires state agencies using off-site soil for construction projects to bid for a compost-amended soil if a facility is located within 10 miles of the project. 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.

Ohio Food Waste Policy Gap Analysis

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Organics Disposal Bans and Recycling Laws	<p>No Policy</p> <p>Ohio has a landfill disposal ban for yard trimmings but has not enacted a food waste disposal ban, and the Ohio Environmental Protection Agency (Ohio EPA) has shifted its approach to focus on nonregulatory strategies and incentives for materials diversion. Ohio EPA also offers a voluntary food scraps initiative.²</p>	<ul style="list-style-type: none"> ■ Continue providing educational materials and funding opportunities to expand food waste reduction. ■ Enact a mandatory organics recycling law for all commercial generators. ■ Introduce a solid waste disposal tip fee that would help incentivize waste diversion while generating a revenue stream to fund food waste prevention and diversion programs. ■ 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. <p>Note: 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>
Date Labeling	<p>Weak Policy</p> <p>Ohio requires sell-by dates for packaged perishable food and for shellfish.³ There is no differentiation between quality-based and safety-based dates, and no clear permission to donate after the quality-based date.</p>	<ul style="list-style-type: none"> ■ Establish guidelines expressly allowing the donation or the freezing of food after a quality-based date, and educate businesses about donation. ■ Launch education campaigns and guidance documents that promote consumer awareness and education on the meaning of date labels. ■ Align any updates to date labeling policy with federal guidance.
Food Donation Liability Protections	<p>Strong Policy</p> <p>Ohio provides liability protections beyond those afforded by the Bill Emerson Good Samaritan Food Donation Act.⁴ These include a presumption of good faith, cover donations made directly to individuals, and allow distributors to charge a small fee for donated food. Ohio also notes explicitly that a presumption of liability does not arise merely because a sell-by date has passed.</p>	<p>Note: If a dual date-labeling scheme is implemented, liability protections should be amended to include clear permission to donate after the quality-based date.</p>
Tax Incentives for Food Rescue	<p>No Policy</p> <p>Ohio provides no additional tax deductions or credits for the donation of food beyond those offered by the federal government.</p>	<ul style="list-style-type: none"> ■ Offer tax incentives to offset the costs of food donation, including the cost of transporting donated food. ■ Offer a tax credit for donation by farmers.
Organics Processing Infrastructure Permitting	<p>Moderate Policy</p> <p>Ohio has separate permitting tiers for source-separated organics and has simplified permitting for facilities accepting food scraps. It also has an exemption for small composting projects and raised the maximum processing threshold in 2018. Ohio EPA has determined that anaerobic digestion permitting falls under applicable air and water pollution control rules.</p>	<ul style="list-style-type: none"> ■ Develop a separate permitting pathway for anaerobic digestion of source-separated food waste that includes, where applicable, requirements similar to those imposed on composting source-separated food waste. ■ Bolster the market for finished compost by enacting procurement requirements for commercial developers (e.g., mandatory consideration of a bid for use of compost).

Policy Category	Status	Policy Recommendations and Potential Advocacy Opportunities
Food Safety Policies for Share Tables	Strong Policy Ohio has developed specific share table guidance to convey best practices and food safety requirements for share tables in school cafeterias. ⁵	<ul style="list-style-type: none"> ■ Promote opportunities for schools to increase food rescue through share tables and other methods.
Food Systems Plans, Goals, and Targets	Weak Policy Several local plans consider food waste, but a statewide program run by the Ohio Ecological Food and Farm Association does not. ⁶ None of these plans are supported by the state.	<ul style="list-style-type: none"> ■ 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. ■ Establish a statewide framework and support system to achieve these targets. ■ Regional plans provide the opportunity to set goals and targets for supporting food systems and promoting food waste reduction strategies.
Plans Targeting Solid Waste	Strong Policy Ohio's State Solid Waste Management Plan is kept current. ⁷ It outlines waste diversion and recycling goals and recommendations for diversion.	<ul style="list-style-type: none"> ■ Continue to maintain the existing plan and encourage local participation in the process. ■ Local Solid Waste Management Plans can be modified to incorporate a stronger focus on food waste reduction, including by establishing a timeline for achieving diversion goals.
Climate Action Goals	No Policy Ohio does not have any state-level climate action policies or goals.	<ul style="list-style-type: none"> ■ Pass legislation and/or issue executive orders to establish climate action goals. ■ Create specific recommendations for reducing wasted food through climate action planning and assign to specific departments actionable next steps for moving policy forward. ■ In the absence of new legislation and/or executive orders, amend existing sustainability initiatives to further incorporate food waste reduction. ■ Local climate action goals and plans can be passed to draw the connection between emission reductions and reducing food waste and to further local efforts.
Grants and Incentive Programs Related to Food Waste Reduction	Moderate Policy Ohio provides several grants and funding for food loss and waste prevention and for promotion of food rescue programs, but it does not offer technical assistance or incentive programs to businesses to support food waste diversion.	<ul style="list-style-type: none"> ■ Establish a free technical assistance program to help businesses divert organics from the waste stream. Local technical assistance programs can also support these efforts. ■ Increase dedicated grant programs to fund initiatives that explicitly focus on food waste reduction efforts. ■ Continue to fund existing grant programs that advance food waste management activity. ■ As a near-term, incremental option, consider implementing an incentive program to encourage businesses to divert food from the waste stream through donation or other measures. This could come in the form of government recognition, certification, or other encouragement.

Ohio Food Waste Policy Inventory

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

Although the state has implemented a landfill disposal ban for yard trimmings, Ohio has not enacted any organics disposal bans or recycling laws that address food scraps.⁸ As noted in Ohio’s State Solid Waste Management Plan (described below in Plans Targeting Solid Waste), given the state’s past experience with yard waste restrictions, it is unlikely that it will implement new disposal restrictions.⁹ Instead, the Ohio EPA has shifted its approach on disposal restrictions to a focus on nonregulatory strategies and incentives for materials diversion, including outreach and education. The Ohio EPA offers a voluntary food scraps recovery initiative with tips and resources that encourage communities and businesses to divert food scraps from landfills.¹⁰

DATE LABELING

The only food items that require date labeling in Ohio are shellfish and perishable foods, not including fresh fruits, vegetables, or meat. No food item is restricted from being donated or sold after the labeled date (for certain packaged perishable foods, this is true as long as certain requirements are met).

Citation	Summary & Key Elements	Source
Ohio Rev. Code § 3715.171 (1977)	<p>Title: Date Labels for Perishable Foods</p> <p>Summary: Perishable foods require a sale date.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ <i>Sale date</i> is the date by which the manufacturer, processor, or packager of a packaged food product recommends that the product be sold for consumption, based on the product’s quality assurance period. ■ <i>Quality assurance</i> period is the span of time after normal manufacturing, processing, and packaging procedures during which a food product is exposed to normal conditions and maintains conformity of all characteristics normally associated with the product. ■ The sale of any packaged perishable food product that has a quality assurance period of 30 days or less is not permitted unless the package is clearly marked by the packager with the sale date. The date must be legible and understandable to the consumer. <ul style="list-style-type: none"> □ This does not apply to fresh fruits and vegetables or to meat, including poultry, both packaged and unpackaged. □ This does not apply to businesses that have sold less than \$100,000 of all products during the year prior. 	http://codes.ohio.gov/orc/3715.171
Ohio Admin. Code 901:3-8-03 (2020)	<p>Title: General Requirements for Dealers</p> <p>Summary: Shellfish must have a sell-by date labeled on the container.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Packages of fresh or frozen shellfish containing less than 64 ounces of product must have: <ul style="list-style-type: none"> □ A sell-by date that indicates a reasonable subsequent shelf life or the words “best if used by” followed by a date on which the product is expected to reach the end of its shelf life. □ The date must have the abbreviation of the month and number of the day of the month. □ The date on packages of frozen shellfish must also include the year. ■ Packages with 64 ounces or more of fresh or frozen shellfish must have: <ul style="list-style-type: none"> □ A “date shucked” that appears on the lid or sidewall or bottom of disposable containers. □ For fresh shellfish, this date must be formatted to include the number of the day in the calendar year, or the month and numerical day of the month. □ For frozen shellfish, the year must also be included in this date. □ If the dealer repacks the shellfish, then the original date of shucking must be used in establishing the sell-by date. 	http://codes.ohio.gov/oac/901:3-8-03

FOOD DONATION LIABILITY PROTECTIONS AND TAX INCENTIVES FOR FOOD RESCUE

Ohio offers civil liability protection for food donation. Federal protections afforded by the Bill Emerson Good Samaritan Act also apply. Ohio does not offer any tax incentives for food donation.

Citation	Summary & Key Elements	Source
<p>Ohio Rev. Code § 2305.37 (2007)</p>	<p>Title: Person Donating Perishable Food for Distribution to Needy Individuals Not Liable for Injuries</p> <p>Summary: Donors and distributors that, in good faith, donate perishable food to an agency are not liable in tort action for harm that may arise from the donated foods.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ A person or agency that, in good faith, donates perishable food or consumer goods to a nonprofit or directly to an individual is not liable for damages in a tort action for harm that may arise from food that was unfit for human consumption if: <ul style="list-style-type: none"> □ The donor or agency determines beforehand that the perishable food or consumer goods will be fit for human consumption at the time of the donation to an agency. □ The donor or agency does not donate food that is unfit for human consumption in a manner that constitutes gross negligence or willful or wanton misconduct. ■ A presumption of liability does not arise merely because the applicable sale or best-by date has passed. 	<p>https://codes.ohio.gov/orc/2305.37</p>

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

The Ohio EPA has used regulatory tiers for composting since its rules were originally adopted in 1993. Revisions done in 2012 added a 300-square-foot area-based (rather than quantity-based) exemption for small-scale composting of yard trimmings and food scraps, such as at community gardens. Rule revisions made in 2018 increased that limit to 500 square feet, in large part because the agency observed that these sites were operated without causing a public nuisance. Other revisions in 2018 included classifying spent coffee and tea grounds as an “additive” and not a food waste, allowing all classes of facilities to accept these materials, and aligning construction and design performance standards with stormwater and wastewater best management practices. Thermal and biological solid-waste-to-fuel conversion facilities (e.g., anaerobic digesters processing food scraps) are currently subject to Ohio EPA’s air pollution control requirements and may need to acquire a permit for emission sources and material handling operations. In addition, if these facilities have wastewater discharges, they must obtain appropriate permits or authorizations for these discharges. If these facilities operate in the same manner as a solid waste transfer station (e.g., receiving and storing waste onsite rather than loading it directly into a digester feeder tank), then they will have to get a permit and license as a transfer station for the receiving area.

Garbage, defined as waste derived from animals, can be fed to swine by a licensed individual provided it is heat treated. Individuals may feed their own animals garbage from their own households. Bakery waste, candy waste, eggs, vegetables, and dairy products may also be fed to animals without conditions.

Citation	Summary & Key Elements	Source
<p>Ohio Admin. Code 3745-560 (2018)</p>	<p>Title: Composting Facilities</p> <p>Summary: Ohio categorizes composting facilities into four classes. Class II facilities can accept food scraps as well as yard trimmings, agricultural waste, and animal waste. (Class I facilities can accept the same materials as Class II facilities, but may also accept mixed solid waste.) Three components associated with establishing a Class II composting facility are registration, a license, and financial assurance.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Compost Classes: <ul style="list-style-type: none"> □ A Class I solid waste composting facility may accept yard waste, agricultural plant materials, dead animals, raw rendering material, animal waste, food scraps, mixed solid waste, bulking agents, additives, and authorized alternative materials. A permit and a solid waste license are required. □ A Class II solid waste composting facility may accept yard waste, agricultural plant materials, dead animals, raw rendering material, animal waste, food scraps, bulking agents, additives, and authorized alternative materials. Registration is required. □ A Class III solid waste composting facility may accept yard waste, agricultural plant materials, dead animals, raw rendering material, animal waste, bulking agents, additives, and authorized alternative materials. The material placement area is limited to a maximum of 135,000 square feet. Registration is required. □ A Class IV solid waste composting facility may accept only yard waste, agricultural plant materials, bulking agents, additives limited to source-separated spent coffee and tea grounds, urea, bacterial or fungal inoculum, and authorized alternative materials. Registration is required. ■ Exemptions from the composting regulations include “any person composting yard waste, agricultural plant materials, animal waste, food scraps, bulking agents, and additives within an aggregate area not greater than 500 square feet on any premises in a manner that noise, dust, and odors do not constitute a nuisance or health hazard and does not cause or contribute to surface or ground water pollution.” Also exempt are composting facilities at “locations engaged in agriculture,” as long as the owner of the composting facility is the same as the owner of the agricultural operation where the material to be composted is generated, and as long as the compost produced is used exclusively at the agricultural operation. ■ An owner or operator who accepts food scraps is required to: <ul style="list-style-type: none"> □ By the end of operating hours on the day of receipt, incorporate the food scraps into the composting process or combine with bulking agents in a manner that prevents nuisances including but not limited to odor, vectors, and litter. □ Maintain a stockpile of biofilter material to provide at minimum a 6-inch cover to piles containing food scraps, and apply a biofilter cover of at least 6 inches on the piles if odors, dust, or vectors are present or upon written request by Ohio EPA or the approved board of health. □ Control free liquid from the incoming food scraps using a berm consisting of compost, bulking agents, or other absorbent material placed around the area where the incoming material is handled and mixed. 	<p>https://epa.ohio.gov/dmwm/dmwmnonhazrules/LiveAcclId/126976#126977204-oac-chapter-3745-560-composting-program</p> <p>Class II composting facility permitting guidance: https://epa.ohio.gov/portals/34/document/guidance/gd_667.pdf</p>

Citation	Summary & Key Elements	Source
Ohio Admin. Code 3745-560 (2018) <i>Continued</i>	<ul style="list-style-type: none"> ■ The owner or operator must ensure that the technical operation and maintenance of the composting facility is under the responsible charge of an operator certified as having completed the training required by the regulation. ■ Leachate must be collected and contained within the boundary of the composting facility and must be prevented from discharging to waters of the state, unless the facility has a permit from the Division of Surface Water. Leachate includes liquid that has come in contact or been released from compost products or solid wastes including feedstocks, bulking agents, or additives. ■ The materials placement area must have a slope of 1 percent to 6 percent to control surface water drainage. The facility must prevent run-on from reaching the materials placement area and prevent ponding and erosion. 	<p>https://epa.ohio.gov/dmwm/dmwmnonhazrules/LiveAcclId/126976#126977204-oac-chapter-3745-560-composting-program</p> <p>Class II composting facility permitting guidance: https://epa.ohio.gov/portals/34/document/guidance/gd_667.pdf</p>
DMWM Policy #1010 Sept. 2011	<p>Title: Final Policy Regarding Regulation of Facilities That Use Thermal and Biological Conversion Technologies to Convert Solid Waste to Fuels</p> <p>Summary: In 2011 Ohio EPA finalized its policy to not regulate thermal or biological solid-waste-to-fuel conversion facilities under the state's solid waste laws unless such facilities are also operating as solid waste transfer facilities. These will be regulated under the state's existing applicable air and water pollution control laws. Ohio EPA noted "this policy does not have the force of law."¹¹</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Every digester must submit an application to the Division to determine if the operation meets the de minimis threshold to not require an air permit, or to obtain a general permit. ■ A stand-alone anaerobic digester (as opposed to one at a wastewater treatment plant) may need a National Pollutant Discharge Elimination System permit if it is going to discharge effluent. ■ The solid waste division will be involved only if there are issues related to the management of solid waste, e.g., if the facility is bringing in solid waste and not loading it directly into a feeder tank. If the facility operates in the same manner as a solid waste transfer station, then it must get an Ohio EPA Solid Waste Division permit and license as a transfer station for the receiving area. ■ If digestate is composted on site to be marketed as compost (and the site accepts bulking materials needed to compost), the facility must register and license that part of the operation as a composting facility. 	<p>https://www.epa.state.oh.us/portals/34/document/guidance/Policy_waste_to_fuel_2012.pdf</p> <p>https://www.epa.ohio.gov/dapc/genpermit/Digester_gp13</p>
Ohio Rev. Code §§ 942.01-.01-13 (2007)	<p>Title: Garbage-Fed Swine and Poultry</p> <p>Summary: Heat-treated garbage may be fed to swine.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ <i>Garbage</i> is defined as all waste material that is derived in whole or in part from the meat of any animal, including fish or poultry, or other animal material, and other waste material that results from the handling, preparation, cooking, or consumption of food. ■ <i>Treated garbage</i> is defined as any edible garbage for consumption by swine that has been heated to high temperature while being agitated, except in steam cooking equipment, to ensure that the garbage is heated throughout for 30 minutes under the supervision of someone licensed to oversee such activity. ■ No person shall feed swine heat-treated garbage without a license to do so. ■ Swine that have been fed treated garbage shall be consigned to a recognized slaughtering establishment for immediate slaughter. ■ This does not apply to individuals feeding their own swine garbage from their own household. ■ This does not apply to an individual who feeds only bakery waste, candy waste, eggs, vegetables, or dairy products to swine. ■ This also does not apply to rendered products, which includes material that has been ground and heated to a minimum of 230 °F. 	<p>http://codes.ohio.gov/orc/942</p>

FOOD SAFETY POLICIES FOR SHARE TABLES

The Ohio Department of Agriculture and Department of Health have issued guidelines for creating share tables in schools, including identifying relevant sections of the Food Code.

Citation	Summary & Key Elements	Source
Guidance for School Share Tables	<p>Summary: This document, produced by the Ohio Department of Agriculture and Department of Health, lists the sections of the Food Code that are relevant to share tables and sets out general guidelines for share table food safety.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Stipulates that except for fruits with peels, such as bananas and oranges, donated food should be in intact packaging. ■ Foods that are temperature controlled for safety (TCS) should be stored at or below 41 °F or should remain on the table no longer than 3 hours. ■ The share table should be monitored by staff, and any foods that have been opened, punctured, or contaminated or adulterated in any way should be discarded. ■ Any food remaining at the end of meal service (except improperly handled TCS foods) should be donated. 	<p>https://www.foodrescue.net/uploads/4/3/2/6/43260919/ohio_department_of_health_and_department_of_agriculture_share_table_guidance__l_.pdf</p>

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

Ohio has a few local food systems plans that consider food waste, report on progress towards reducing food waste, and set goals for future targets. Ohio also has a statewide program run by the Ohio Ecological Food and Farm Association, but it does not address food waste.

Citation	Summary & Key Elements	Source
Local Food Action Plan: City of Columbus and Franklin County, Ohio (2019)	<p>Summary: Produced by the Local Food Board and the City and County staff of the Columbus & Franklin County Local Food Action Plan (LFAP) Project Team, this is the most recent of a series of annual reports announcing food system accomplishments from the past year and goals for the upcoming years.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Aims to grow local food production. ■ Sets a goal to cut food waste 50 percent by 2050, beginning with school engagement, a regional composting feasibility study, and public engagement campaign. ■ Notes focus on equity and food access. 	<p>https://www.columbus.gov/publichealth/programs/Local-Food-Action-Plan/</p>
Greater Cincinnati Regional State of Local Food Report (June 2019)	<p>Summary: Green Umbrella is an area nonprofit that brings together stakeholders on its Green Umbrella Local Food Action Team. This report includes data on the local food system and makes recommendations for growing the local food economy.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Includes data on the local food system. ■ Lists goals and strategies, including increasing farmland accessibility. ■ Recommends technical assistance and a designated supply chain coordinator, building the demand for local food, and scaling up current food rescue efforts. 	<p>https://www.greenumbrella.org/resources/GU_Action_Teams/Local_Food_Action_Team/State_of_Local_Food_Update_2019_FINAL.pdf</p>
Cincinnati State of Wasted Food in Greater Cincinnati (June 2019)	<p>Summary: This report from Green Umbrella includes data on food waste and makes strategic recommendations, following the food recovery hierarchy.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Updates data on food waste. ■ Recommends strategies in three categories: prevention (including date labeling and consumer education), recovery (including developing infrastructure and requiring planning), and recycling (including exploring opportunities for food diversion and composting/anaerobic digestion). 	<p>https://www.greenumbrella.org/resources/Documents/State_of_Food_Waste_-_FINAL.pdf</p>

Citation	Summary & Key Elements	Source
Opportunity in a Time of Crisis: Recommendations for Building a More Resilient Ohio Food System (June 2020)	<p>Summary: This report was developed by the Ohio Ecological Food and Farm Association, Ohio Farmers Market Network, Ohio Food Policy Network, and Produce Perks Midwest. It identifies eight goals for a more resilient food system.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Notes challenges and successes for the Ohio food system in recent years. ■ Recommends establishment of an interagency food work group to identify strategies to fund and build farmers market capacity. ■ Recommends establishment of an interagency food work group to identify areas where food preservation, processing, and distribution facilities are needed and how they can be financed. ■ Advocates for aid for underserved farmers and those selling into local food systems. ■ Encourages passage of the Family Farm ReGeneration Act. ■ Recommends changes to state contract bidding requirements for local food purchasing. ■ Recommends online infrastructure development for Supplemental Nutrition Assistance Program nutrition incentive programming. ■ Advocates for legislation supporting nutrition education. 	https://action.oeffa.com/opportunity-in-crisis-report/

PLANS TARGETING SOLID WASTE

Ohio's 88 counties are represented by 52 Solid Waste Management Districts (SWMDs), which are required by House Bill 592 of 1988 to create and maintain solid waste management plans. In 2019 the state released its 2020 State Solid Waste Management Plan, which outlines goals and strategies for materials management.

Citation	Summary & Key Elements	Source
2020 State Solid Waste Management Plan	<p>Summary: Provides an update to the previous State Solid Waste Management Plan from 2009, establishing revised materials management goals and suggesting strategies for meeting these goals.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Establishes a goal for SWMDs to offer at least three programs, activities, or services to industrial generators. ■ Establishes 10 reduction and recycling goals for the state. SWMDs are required to comply with at least 8 of the goals, including Goal 1 or Goal 2. Goals include: <ol style="list-style-type: none"> 1. Provide adequate recycling opportunities for 80 percent of residents and commercial generators. 2. Achieve a 25 percent waste reduction and recycling rate for commercial and residential waste. 3. Provide outreach and education through a website, a comprehensive resource guide, an infrastructure inventory, and a speaker or presenter. 4. Provide outreach and education as well as technical assistance for materials management programs, including composting. 5. Offer a strategic initiative for the industrial sector. 6. Offer management for restricted solid wastes, household hazardous waste, and electronics. 7. Explore economic incentives for source reduction and recycling programs. 8. Follow the EPA WARM model (or equivalent) to evaluate greenhouse gas emissions reductions through recycling programs. 9. Optional: Support market development for recycled materials. 10. Provide an annual report on the status of the SWMDs solid waste management plan. 	https://epa.ohio.gov/Portals/34/document/general/state_plan_.pdf

Citation	Summary & Key Elements	Source
2020 State Solid Waste Management Plan <i>Continued</i>	<ul style="list-style-type: none"> ■ Identifies strategies the state will follow for promoting materials management, such as collaborating with trade organizations to support industrial generators, providing information and outreach, supporting community recycling education, promoting a reduction of contamination, bolstering multifamily recycling initiatives, creating a hierarchy of strategies for communities to follow when implementing recycling programs, and developing case studies of successful recycling education programs. ■ Identifies an opportunity to offer grant funding for equipment for food recovery. ■ Identifies barriers to recovering materials, including low disposal tipping fees, waste stream contamination, and a lack of infrastructure. 	https://epa.ohio.gov/Portals/34/document/general/state_plan_.pdf
Ohio Rev. Code §3734.50 (2015)	<p>Title: State Solid Waste Management Plan</p> <p>Summary: Instructs the director of environmental protection, with support from the Materials Management Advisory Council, to prepare a solid waste management plan to address a variety of materials management considerations.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Requires a reduction in the use of landfills for managing solid waste. ■ Identifies objectives for waste reduction, reuse, recycling, and minimization. ■ Offers recommendations for promotion of recycled-content materials. ■ Requires the state to develop a solid waste management plan. ■ Directs counties to establish solid waste management districts, either individually or in collaboration with one or more other counties. These districts are required to develop and update local solid waste management plans. 	https://codes.ohio.gov/orc/3734.50#:~:text=lf%20any%20revision%20to%20the,waste%20with%20mixed%20municipal%20solid

CLIMATE ACTION GOALS

There are no state-level climate action policies or goals in Ohio. Hosted by the Ohio State University, the State Climate Office of Ohio maintains a roster of climate change resources.¹² Additionally, several Ohio cities and counties, such as Cleveland and Cuyahoga County, have developed climate action goals and plans.¹³

GRANTS AND INCENTIVE PROGRAMS RELATED TO ADVANCING FOOD WASTE REDUCTION

The state's 2020 Solid Waste Management Plan notes an intent by the Ohio EPA to evaluate priorities for grant funding and adjust on the basis of state needs. A full list of funding opportunities through the Ohio EPA is available online.¹⁴ As noted in the table below, several funding opportunities exist to support food waste diversion initiatives in the state.

Citation	Summary & Key Elements	Source
Ohio Rev. Code §1506.22 (2001)	<p>Title: Ohio Environmental Education Fund</p> <p>Summary: Provides funding for projects that raise awareness and educate about environmental issues.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Mini grants of \$500 to \$5,000 and general grants up to \$50,000 are awarded through this opportunity. ■ Grants are awarded for up to a 2-year term. ■ Funding is limited to Ohio-based entities. ■ A cash match of 10 percent is required, and a match of 50 percent or more receives an additional point in the review process. ■ Approximately \$750,000 is awarded annually. ■ Due to projections of budget shortfalls, it is expected that the state will not offer this funding opportunity in 2021. 	https://codes.ohio.gov/orc/3745.22

Citation	Summary & Key Elements	Source
<p>Academic Institution Grant</p>	<p>Title: Academic Institution Grant</p> <p>Summary: Funding is available to schools and institutions for recycling efforts, including outreach and education, conference attendance, and equipment.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Recycling equipment can include materials for an organics recycling program. ■ Up to \$100,000 is available for this initiative, and a 25 percent match is required. 	<p>https://epa.ohio.gov/ocapp/recycling#1843210607-academic-institution-grant</p> <p>2021 Grant Fact Sheet: https://epa.ohio.gov/Portals/41/recycling/AIG.pdf?ver=2019-10-03-094655-650</p>
<p>Ohio Rev. Code §3736.02 (2007)</p>	<p>Title: Market Development Grant</p> <p>Summary: Offers funding to grow capacity for recycling processing and recycled material production. This can include equipment.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Businesses must have a government sponsor. ■ Organics processing or collection equipment is included in this grant. ■ Project term is up to 2 years. ■ Up to \$200,000 is available for funding, and a 100 percent match is required. 	<p>http://codes.ohio.gov/orc/3736.02v1</p> <p>https://epa.ohio.gov/ocapp/recycling#1843210479-market-development-grant</p> <p>2021 Grant Fact Sheet: https://epa.ohio.gov/Portals/41/grants/MDG.pdf</p>
<p>Ohio Rev. Code §6123 (2010)</p>	<p>Title: Solid Waste Program</p> <p>Summary: The Ohio Water Development Authority (OWDA) offers loans for planning/design and/or construction of infrastructure for solid waste management.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Program includes funding for planning, design, and construction of compost facilities. ■ Program is funded by the OWDA Solid Waste Fund from OWDA revenue bond surplus. ■ Funding is available to local governments and solid waste districts that have met minimum criteria. 	<p>http://codes.ohio.gov/orc/6123</p> <p>https://www.owda.org/owda-doc/Program%20Info/NotesSLW%202010July.pdf</p> <p>Ohio Water Development Authority Summary List of Funding Opportunities: https://www.owda.org/summary-list</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
NO POLICY									
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.

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
WEAK POLICY									
<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"> ■ Requirements for composting source-separated organics are the same as those for composting mixed solid waste, creating significant barriers to opening a facility. ■ Quantity or acreage limitations for source-separated organics tier(s) negatively impact economic viability of operation. ■ Regulations include language about anaerobic digestion of source-separated organics but are vague or have no language addressing what is allowed. 	<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"> ■ Goals are in the form of executive orders, with no legislative framework. ■ There has been limited legislative action but no real framework or actionable next steps to achieve targets. 	<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"> ■ Funding is not explicitly allocated for food waste reduction work as opposed to other diversion strategies. ■ Funding opportunities are not made known to or accessible to relevant applicants. ■ 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). ■ No technical assistance is available to food service waste generators to support food waste reduction efforts.

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
MODERATE POLICY									
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.	<p>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:</p> <ul style="list-style-type: none"> ■ Requirements for composting source-separated organics are the same as those for composting mixed solid waste, creating significant barriers to opening a facility. ■ Quantity or acreage limitations for source-separated organics tier(s) negatively impact economic viability of operation. ■ Regulations include language about anaerobic digestion of source-separated organics but are vague or have no language addressing what is allowed. 	Share tables are allowed, and the state provides share table guidance, though that guidance is limited.	<p>Robust regional food systems plans or state food systems plans exist, but one of the following is true:</p> <ul style="list-style-type: none"> ■ Framework or support to achieve targets is limited. ■ There is no coordination with other regional food systems plans (if no state plan exists). ■ Plans' consideration of food waste reduction is inadequate. 	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.	<p>Climate action goals exist, and one of the following is true:</p> <ul style="list-style-type: none"> ■ Legislated climate action planning sets forth recommendations for reducing food waste. ■ Specific departments have been tasked with actionable next steps for moving policy forward. 	<p>Grants, incentives, or funds for food waste reduction are available, and one of the following is true:</p> <ul style="list-style-type: none"> ■ Funding is not explicitly allocated for food waste reduction work as opposed to other diversion strategies. ■ Available funding is unsustainable or insufficient to support desired activities. ■ No technical assistance is available to food service waste generators to support food waste reduction efforts.

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
STRONG POLICY									
<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"> ■ 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. ■ Restrictions imposed on facility design and operation are in sync with best management practices for composting of source-separated organics. ■ 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. 	<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"> ■ There is a robust framework or support to achieve clear goals and targets. ■ Reduction of food loss and waste is a major component of food systems plans. 	<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"> ■ Legislated climate action planning sets forth recommendations for reducing food waste. ■ Specific departments have been tasked with actionable next steps for moving policy forward. 	<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"> ■ Funding is explicitly allocated for food waste reduction work as opposed to other diversion strategies. ■ Available funding is sustainable and sufficient to support desired activities. ■ Free technical assistance is available to food service waste generators to support food waste reduction efforts.

ENDNOTES

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- 2 Ohio Environmental Protection Agency (hereinafter Ohio EPA), “Ohio Food Scraps Recovery Initiative,” https://epa.ohio.gov/dmwm/Home/food_scrap (accessed Mar. 24, 2021).
- 3 OHIO ADMIN. CODE 910:3-8-03 (2020).
- 4 OHIO REV. CODE § 2305.37 (2009).
- 5 Ohio Department of Agriculture and Department of Health, “Guidance for Food Share Tables,” updated June 2017, https://www.foodrescue.net/uploads/4/3/2/6/43260919/ohio_department_of_health_and_department_of_agriculture_share_table_guidance__1_.pdf.
- 6 Ohio Ecological Food and Farm Association, *Opportunity in a Time of Crisis: Recommendations for Building a More Resilient Ohio Food System*, June 2020, <https://action.oeffa.com/wp-content/uploads/2020/06/Opportunity-in-Crisis-Report-Final-LR2.pdf>.
- 7 Ohio EPA, Division of Materials and Waste Management, *2020 State Solid Waste Management Plan*, October 2019, https://epa.ohio.gov/Portals/34/document/general/state_plan_.pdf.
- 8 OHIO ADMIN. CODE 3745-560 (2018).
- 9 Ohio EPA, Division of Materials and Waste Management, *2020 State Solid Waste Management Plan*, October 2019, https://epa.ohio.gov/Portals/34/document/general/state_plan_.pdf.
- 10 Ohio EPA, “Ohio Food Scraps Recovery Initiative,” https://epa.ohio.gov/Portals/34/document/general/state_plan_.pdf.
- 11 OHIO EPA, DMWM POL’Y No. 1010, FINAL POLICY REGARDING REGULATION OF FACILITIES THAT USE THERMAL AND BIOLOGICAL CONVERSION TECHNOLOGIES TO CONVERT SOLID WASTE TO FUELS (2011).
- 12 State Climate Office of Ohio, “Ohio Climate Change Resources,” <https://climate.osu.edu/ohio-climate-change-resources> (accessed Mar. 24, 2021).
- 13 Sustainable Cleveland 2019, *Cleveland Climate Action Plan*, 2013, https://www.wearestillin.com/sites/default/files/sustainability-plan/Cleveland_Climate_Action_Plan.pdf. Cuyahoga County Sustainability Department, *Cuyahoga County Climate Change Action Plan*, May 2019, https://www.countyplanning.us/wp-content/uploads/2019/05/Final_CCCCAP-1.pdf.
- 14 Ohio EPA, “Funding Opportunities,” revised January 2019, <https://epa.ohio.gov/portals/0/general%20pdfs/funding.pdf>.