



Food and
Nutrition
Service

DATE: August 15, 2019

Park Office
Center

SUBJECT: Best Practices to Minimize Food Waste of Privately Donated Foods to The Emergency Food Assistance Program (TEFAP) State Agencies and Emergency Feeding Organizations

3101 Park
Center Drive
Alexandria
VA 22302

TO: Regional Directors
Special Nutrition Programs
MARO, MPRO, MWRO
NERO, SERO, SWRO, and
WRO

State Directors
All TEFAP State Agencies

On December 20, 2018, the Agriculture Improvement Act of 2018 (Farm Bill) (P.L. 115-334) was signed into law. Section 4018 of the Farm Bill amends section 203(D) of the Emergency Food Assistance Act of 1983 (EFAA), directing the U.S. Department of Agriculture (USDA) to issue guidance outlining best practices to minimize food waste of commodities donated under section 203(D)(a) of the EFAA. Section 203(D) of the EFAA and this memorandum refer to the commodities donated by State and local agencies, charitable institutions, or other persons that supplement USDA Foods provided through TEFAP.

Pursuant to the Congressional Review Act (5 U.S.C. § 801 et seq.), the Office of Information and Regulatory Affairs designated this memorandum as a not major rule, as defined by 5 U.S.C. § 804(2).

TEFAP State agencies and eligible recipient agencies (ERAs) are well positioned to aid in USDA's efforts to address the problem of food loss and waste. TEFAP State agencies and ERAs work to feed those in need in part by facilitating the donation of food that may otherwise go to waste. These efforts are an effective method of reducing food waste throughout the supply chain. By using methods such as the first-in-first-out (FIFO) system of inventory management, distinguishing between the various forms of product date labeling, and accounting for foods with special handling requirements, TEFAP State agencies and ERAs can assist with USDA's goal of reducing our nation's food waste.

TEFAP State agencies and ERAs may also reference the following list of resources for more information on best practices for minimizing food waste:

- **USDA food waste activities:** For information on USDA food waste activities, visit: <https://www.usda.gov/foodlossandwaste>.

- **FNS Policy Memorandum FD-107, “Donated Food Storage, Distribution, and Product Dating (Revised)”**: This policy memorandum, found at <https://fns-prod.azureedge.net/sites/default/files/fdd/FD-107-donated-food-storage.pdf>, provides guidance on product dating, food storage, and distribution for USDA Foods to ensure proper procedures are in place to help reduce food loss and waste.
- **USDA Food Safety and Inspection Service food product dating**: For additional information on food product dating, visit: <https://www.fsis.usda.gov/wps/portal/food-safety-education/get-answers/food-safety-fact-sheets/food-labeling/food-product-dating/food-product-dating>.
- **U.S. Food and Drug Administration (FDA) food waste reduction**: The following website provides tips for reducing food waste: <https://www.fda.gov/food/consumers/tips-reduce-food-waste>
- **Environmental Protection Agency (EPA) sustainable management of food**: The following websites outline sustainable food efforts, past successes, current practices, and calls to action for both public and private entities: <https://www.epa.gov/sustainable-management-food>, and <https://www.epa.gov/recycle/donating-food>. Some of these efforts have been incentivized by the Bill Emerson Good Samaritan Food Donation Act as well as tax deductions for qualified businesses in the Internal Revenue Code.

TEFAP State agencies are encouraged to share this information with TEFAP ERAs. TEFAP ERAs with questions should contact their TEFAP State agencies for more information about State and local food waste resources.

/s/ Original Signature on File
 Laura Castro
 Director
 Food Distribution Division

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