

117TH CONGRESS  
1ST SESSION

# S. 2389

To require the Administrator of the Environmental Protection Agency to provide grants to reduce the quantity of food waste, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 20, 2021

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To require the Administrator of the Environmental Protection Agency to provide grants to reduce the quantity of food waste, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Zero Food Waste Act”.

5 **SEC. 2. FOOD WASTE REDUCTION GRANTS.**

6 (a) DEFINITIONS.—In this section:

7 (1) ADMINISTRATOR.—The term “Adminis-  
8 trator” means the Administrator of the Environ-  
9 mental Protection Agency.

1           (2) ELIGIBLE ENTITY.—The term “eligible enti-  
2           ty” means—

3                   (A) a State, a local government, a terri-  
4                   torial government, or a Tribal government;

5                   (B) a nonprofit organization; and

6                   (C) a partnership of 2 or more of any of  
7                   the entities described in subparagraphs (A) and  
8                   (B).

9           (3) FOOD WASTE.—The term “food waste”  
10           means any uneaten food and inedible parts of food.

11           (4) FOOD WASTE REDUCTION ACTIVITY.—The  
12           term “food waste reduction activity” means any  
13           method or activity that reduces the quantity of food  
14           waste disposed of in landfills or incinerated, includ-  
15           ing through prevention, rescue, upcycling, and recy-  
16           cling.

17           (5) NONPROFIT ORGANIZATION.—The term  
18           “nonprofit organization” means an organization de-  
19           scribed in section 501(c)(3) of the Internal Revenue  
20           Code of 1986 and exempt from taxation under sec-  
21           tion 501(a) of that Code.

22           (6) PREVENT.—The term “prevent” means to  
23           forestall the generation of food waste.

1           (7) RECYCLE.—The term “recycle” means to  
2 reuse food waste as a feedstock for a nonfood prod-  
3 uct.

4           (8) RESCUE.—The term “rescue” means to re-  
5 direct surplus food for consumption.

6           (9) SOURCE SEPARATED ORGANICS.—

7           (A) IN GENERAL.—The term “source sepa-  
8 rated organics” means organic waste that is  
9 separated from other waste by the waste gener-  
10 ator.

11           (B) INCLUSION.—The term “source sepa-  
12 rated organics” includes materials that are cer-  
13 tified to meet ASTM standard D6400 or  
14 D6868.

15           (C) EXCLUSION.—The term “source sepa-  
16 rated organics” does not include mixed solid  
17 waste.

18           (10) UPCYCLE.—The term “upcycle” means to  
19 make new food from ingredients that otherwise  
20 would become food waste.

21           (b) PROGRAM.—

22           (1) ESTABLISHMENT.—The Administrator shall  
23 establish and carry out a program to award competi-  
24 tive grants in accordance with paragraph (3).

1           (2) PURPOSE.—The purpose of the program es-  
2           tablished under paragraph (1) is to help reduce the  
3           quantity of food waste by 50 percent by 2030, rel-  
4           ative to that quantity in 2010.

5           (3) GRANTS.—

6           (A) STUDY ON FOOD WASTE GENERATION  
7           AND FOOD WASTE MANAGEMENT PLANNING.—

8           Under the program established under para-  
9           graph (1), the Administrator may award a  
10          grant to an eligible entity, excluding any eligible  
11          entity that is a nonprofit organization—

12           (i) to study—

13           (I) the generation of food waste  
14           in the State or area in which the eligi-  
15           ble entity is located or otherwise  
16           serves; and

17           (II) policies and programs that  
18           significantly reduce the quantity of  
19           food waste, including policies and pro-  
20           grams to carry out food waste reduc-  
21           tion activities; and

22           (ii) to develop a plan under which the  
23           eligible entity will carry out at least 1 food  
24           waste reduction activity, prioritizing pre-  
25           vention to the extent practicable.

1 (B) FOOD WASTE DATA AND REPORTS.—  
2 Under the program established under para-  
3 graph (1), the Administrator may award a  
4 grant to an eligible entity, excluding any eligible  
5 entity that is a nonprofit organization—

6 (i) to collect data on the quantity of  
7 food waste generated in the State or area  
8 in which the eligible entity is located or  
9 otherwise serves; and

10 (ii) to publish, on any publicly avail-  
11 able website (which may include the  
12 website of a nongovernmental organiza-  
13 tion), a monthly or quarterly report on the  
14 data collected under clause (i).

15 (C) FOOD WASTE REDUCTION  
16 PROJECTS.—Under the program established  
17 under paragraph (1), the Administrator may  
18 award a grant to an eligible entity—

19 (i)(I) to carry out or otherwise sup-  
20 port a food waste reduction activity;

21 (II) to implement a differential pric-  
22 ing policy on the disposal of food waste—

23 (aa) to disincentivize disposing of  
24 food waste by incineration or deposit  
25 in a landfill; and

1 (bb) to incentivize carrying out  
2 food waste reduction activities;

3 (III) to pay for or provide technical  
4 assistance to carry out a food waste reduc-  
5 tion activity;

6 (IV) to implement restrictions on dis-  
7 posing of food waste by incineration or de-  
8 posit in a landfill;

9 (V) to implement food waste reduction  
10 activity requirements;

11 (VI) to implement demand-stimulating  
12 policies for recycling end-markets; or

13 (VII) to carry out any other activity  
14 the Administrator determines will reduce  
15 the quantity of food waste in the applicable  
16 area; and

17 (ii) to collect data and publish reports  
18 as described in subparagraph (B).

19 (c) APPLICATIONS.—

20 (1) IN GENERAL.—To apply for a grant under  
21 this section, an eligible entity shall submit to the  
22 Administrator an application at such time and in  
23 such form as the Administrator may require, which  
24 shall demonstrate how the eligible entity will use the  
25 grant in accordance with subsection (b)(3).

1           (2) NONPROFIT ORGANIZATIONS.—In the case  
 2 of an application under paragraph (1) from an eligi-  
 3 ble entity that is a nonprofit organization, the appli-  
 4 cation shall include—

5           (A) a letter of support for the proposed  
 6 use of the grant from—

7           (i) the relevant local government, ter-  
 8 ritorial government, Tribal government, or  
 9 State; or

10          (ii) another nonprofit organization  
 11 that—

12           (I) has a demonstrated history of  
 13 undertaking work in the geographic  
 14 region where the proposed use of the  
 15 grant is to take place, as determined  
 16 by the Administrator; and

17           (II) would not be involved in the  
 18 proposed use of the grant; and

19          (B) any other information the Adminis-  
 20 trator may require.

21          (3) PRIORITIZATION.—In awarding grants  
 22 under this section, the Administrator shall—

23          (A) seek to award grants for use in diverse  
 24 locations and for diverse uses; and

25          (B) prioritize awarding grants to—

1 (i) any eligible entity, excluding any  
2 eligible entity that is a nonprofit organiza-  
3 tion, that—

4 (I) implements a program to  
5 carry out food waste reduction activi-  
6 ties; or

7 (II) has a demonstrated need, as  
8 determined by the Administrator, for  
9 additional investment in infrastruc-  
10 ture or other resources to be able to  
11 implement a program to carry out  
12 food waste reduction activities; or

13 (ii) an eligible entity that will use the  
14 grant in accordance with subsection  
15 (b)(3)(C)(i) in a community of color, low-  
16 income community, or Tribal community  
17 that has been disproportionately affected  
18 by adverse human health or environmental  
19 effects.

20 (4) ANAEROBIC DIGESTION PROJECTS.—With  
21 respect to any grant awarded under subsection  
22 (b)(3)(C) to carry out an anaerobic digestion  
23 project, the Administrator shall—

24 (A) require the applicant to submit to the  
25 Administrator a plan for end-product recycling



1 that, in accordance with guidelines the Adminis-  
2 trator shall establish—

3 (i) provides for the use of the material  
4 resulting from the project as a soil amend-  
5 ment; and

6 (ii) ensures that the use of the mate-  
7 rial resulting from the project does not cre-  
8 ate an environmental hazard; and

9 (B) require the eligible entity that is car-  
10 rying out the project—

11 (i) to limit its use of animal waste to  
12 not more than 20 percent of the total feed-  
13 stock of the project; and

14 (ii) to only use source separated  
15 organics as the portion of the total feed-  
16 stock that is not animal waste.

17 (d) REPORTING.—

18 (1) EFFECT OF USE OF GRANT.—Each eligible  
19 entity that receives a grant under this section shall  
20 submit to the Administrator a report, at such time  
21 and in such form as the Administrator may require,  
22 on the results of the use of the grant, which shall  
23 include any relevant data requested by the Adminis-  
24 trator for purposes of tracking the effectiveness of  
25 the program established under subsection (b)(1).

1           (2) ANNUAL REPORT.—The Administrator shall  
2 submit to Congress and make publicly available on  
3 the website of the Environmental Protection Agency  
4 an annual report describing—

5                   (A) the effectiveness of the program estab-  
6 lished under subsection (b)(1) in reducing the  
7 quantity of food waste by 50 percent by 2030,  
8 relative to that quantity in 2010, including in-  
9 formation on the progress of that reduction;  
10 and

11                   (B) the means by which the Administrator  
12 is promoting learning among grantees and  
13 other stakeholders to better achieve results.

14           (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
15 authorized to be appropriated to carry out this section  
16 \$650,000,000 for each of fiscal years 2022 through 2031,  
17 to remain available until expended.

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