

Comments Regarding Draft National Strategy for Reducing Food Loss and Waste and Recycling Organics

Docket Number: EPA-HQ-OLEM-2022-0415

The dairy industry has a long history of seeking solutions to make our products environmentally friendly and sustainable. We applaud the focus on reducing food waste and methane emissions by the United States Department of Agriculture and the Environmental Protection Agency. Dairy organizations have committed to becoming a carbon-neutral sector of our food system and reaching this goal by 2050.

The Draft National Strategy for Reducing Food Loss and Waste and Recycling Organics and the referenced U.S. Methane Emissions Reduction Action Plan identify reducing food waste in landfills to reduce methane emissions. They also promote the generation and use of on-farm renewable energy via anaerobic digesters. Our industry is years ahead of this initiative in the growing adoption of anaerobic manure digesters and anaerobic co-digesters to manage manure and capture methane. The dairy industry also contributes greatly to the reduction of food loss and food waste by working with ruminant nutritionists to upcycle food waste and food loss byproducts into the diets of our herds.

With assistance, the cost of anaerobic manure digesters is economically practical for our nation's largest dairies; however, mid-size and smaller dairies simply cannot absorb the cost into their operating model, nor do they produce the necessary amount of manure to make the installation of an anaerobic manure digester feasible. This is where anaerobic co-digestion becomes a key solution for small to mid-size dairies. Anaerobic co-digesters capture methane from a combination of manure, food waste, and other organic plant materials.

The stated goal in the draft plan for reducing food loss and waste is a 50% reduction along with a 50% recycling goal by 2030. While we support these goals, we want to bring attention to the fact that there are significant roadblocks.

The first roadblock is the lack of consistent state regulations specific to digesters. Because of this, regulations are inconsistent or non-existent, and often, materials produced by digesters are shoehorned into landfill regulations. If we cannot get permits to apply and manage digestate on farmground, then we cannot utilize the benefits that co-digestion offers. This issue has become a fatal flaw in the efforts to continue to develop co-digesters as a viable solution for landfill and food sustainability issues.

Our recommendation is for the EPA and USDA to develop a national framework and regulatory permit guidance to the states on co-digestion. This will ensure or help foster a level playing field in the use of co-digestion-specific regulation.

The second roadblock is the uncertainty surrounding PFAS (poly-fluoroalkyl substances) from food waste and concerns about their presence in digestate fibers.

The draft plan lists the following:

- The USDA will continue to invest in innovative manufacturing technologies, which, amongst other priorities, include improving the monitoring of product quality, food packing materials (including nanotechnology), and systems to extend shelf life and prevent food loss and waste.
- The USDA will research food packaging materials from biobased and renewable sourced polymers using novel physical processes and chemical modifications. These products protect and enhance food products, eliminate or reduce pathogens, address antimicrobial resistance, extend shelf-life, and reduce food waste and reliance on fossil fuel-based packaging.

- As requested, the EPA and USDA will provide subject matter expertise and technical assistance to state, Tribal, territorial, and local governments (as well as other entities) to address contamination in the organic waste recycling stream. The EPA and USDA will support research on the uptake and bioaccumulation of PFAS in plants and animals, including PFAS bioaccumulation via biosolids application. In coordination with actions under its draft, National Strategy to Prevent Plastic Pollution, the EPA will consider how to scale and refine existing solutions that address non-compostable plastic contamination in the organic waste recycling stream.

We encourage the funding of this research since PFAS is a food waste concern that impacts the acceptance of utilization of anaerobic co-digesters as a sustainable solution for the diversion of food waste and food loss items from landfills as well as the sustainable management of manure and the capture and reuse of methane.

The Environmental Protection Agency has a number of articles on its website regarding issues in food waste management and PFAS. An August 2021 article by the EPA titled “Emerging Issues in Food Waste Management – Persistent Chemical Contaminants” outlined the issue that policy decisions are being made without proper scientific information or evidence that PFAS are present.

Given the concerns about PFAS in food waste, and concerns expressed regarding PFAS being passed into digestate from food waste, we ask that until further research is conducted, consideration be given to the question of what to do with the food waste after it is diverted, as well as related permitting issues.

Lastly, roadblocks are coming from lawmakers over the funding of anaerobic digesters and anaerobic co-digesters on dairy farms. These lawmakers submitted a letter to USDA Secretary Vilsack warning about the use of federal dollars to subsidize digesters with unfounded and entirely impractical claims that it will encourage the addition of cows and overproduction of manure and, therefore, increase herd sizes. Their warning letter ignores the fact that anaerobic co-digesters are a viable, sustainable solution for small and mid-sized producers and that support of those projects helps to fulfill, as their letter states, the "USDA's commitment to invest in small and mid-sized producers."

The draft plan lists the following:

- The USDA Rural Development's REAP guarantees loans of up to \$25 million and provides grants of up to \$1 million to agricultural producers and rural small businesses for renewable energy systems or to make energy efficiency improvements, including anaerobic digesters that incorporate food waste as feedstock.
- The EPA will fund up to \$275 million in grants through the Solid Waste Infrastructure for Recycling Grant Program (SWIFR)⁴⁴ (part of the Bipartisan Infrastructure Law), which includes supporting organics recycling infrastructure (e.g., composting and anaerobic digestion) as eligible activities. The EPA anticipates providing technical assistance and peer networking opportunities to SWIFR grantees and will make future funding opportunities available under SWIFR.
- The EPA will continue to convene the recipients of its Supporting Anaerobic Digestion in Communities funding to share information and lessons learned from their demonstration projects, feasibility studies, and technical assistance and education projects focusing on anaerobic digestion of food waste.
- The EPA's AgSTAR program will continue to provide technical assistance, support, and guidance for on-farm anaerobic digesters that co-digest food waste.

Similarly, some of these same lawmakers have sponsored Senate Bill 1016, the Agriculture Resilience Act of 2023, which includes entirely contradictory language to the stated USDA/EPA goals regarding the management of livestock, manure, and the use of anaerobic digesters.

We believe it is imperative to bring these maneuvers by certain lawmakers to the attention of the EPA and USDA, given the fact that the Draft National Strategy states that the EPA and USDA “will identify barriers to decentralized community composting and share information with partners, such as state and local policymakers.”