

# **GENERAL FAQs**

### What is gleaning?

Gleaning is an old practice that has evolved over the centuries. Many religious texts mention gleaning, which originated as the practice of farmers allowing members of their communities experiencing economic hardship to gather food in the fields after harvest. Today, most gleaning organizations work with farmers who want to donate food during organized gleaning events where community volunteers, school groups, or businesses gather crops left after harvest and usually distribute the food through local food banks, food pantries, churches, or other charitable food assistance distribution sites. Food banks are often eager to work with gleaning organizations as well, as a way to provide fresh produce to their customers where they might otherwise only be able to provide nonperishable food items. A strict definition of gleaning includes only the harvesting of crops from fields and orchards, but today many organizations recover food across the food system, from production (traditional gleaning), processing (some gleaning groups make jams, jellies, and salsas), distribution (a few organizations make distribution their primary work), and retail (for example, at grocery stores, farmers markets, and restaurants), to individual households (for example, through community fridges). When this website refers to gleaning, it is usually meant to include both gleaning and food recovery since many groups do both!

#### Why is gleaning important?

Gleaning provides many social benefits, such as helping to alleviate food and nutrition insecurity and reduce food waste on farms. The EPA estimates that one-third of food produced in the U.S. is wasted, and food waste makes up 24 percent of landfilled material. The world produces enough food for everyone, but does not distribute it equitably or effectively. To combat this, gleaning and food banks often work together: gleaning organizations look for food banks in order to take advantage of a distribution infrastructure already in place, and food banks look for donations to bring fresh food where it's needed. Gleaning and food recovery help

to decrease the amount of food that ends up in landfills, manure piles, plant compost, and the like. When food waste decomposes in an oxygen-poor environment, like a landfill, it produces methane, which has a negative effect on the climate. Although there are some mitigation projects that reduce the amount of food waste entering landfills, preventing food waste is a more efficient and effective way to reduce methane emissions.

People often think of gleaning as an activity to feed households experiencing food insecurity, but it also benefits local and regional food and nutrition security overall, promotes community engagement, and helps people make connections with the people who grow and harvest our food, as well as learning about farming practices, the food system and production, and food waste. The Federal Crop Insurance Corporation (FCIC) encourages gleaning among their insured farmers when remaining crops cannot be harvested using regular methods. The FCIC offers insured farmers incentives for participating in gleaning projects by federally tax-exempt nonprofit groups (501(c)(3) organizations). Other state and federal tax incentives exist to encourage farmers and other groups to participate in gleaning. Although some advocates argue that gleaning does not address the root causes of an inequitable food system, it may still offer a good option to get food to people who need it.

#### How does gleaning relate to food waste and food loss?

There are inefficiencies at every stage of the food system, from tilling unharvested tomatoes back into the ground, to leaving milk in an unrefrigerated delivery truck for too long, to mislabeled—and therefore unsalable—boxes of salad at the grocery store. Some wasted food is safe and edible, and some is not. The Environmental Protection Agency (EPA) has published a Food Recovery Hierarchy, which gives guidance about how food should be used, instead of being wasted. Below are some of the terms people working to reduce food waste use to distinguish the stages and sources of food waste. There is no single authoritative body that has defined these terms, so the way people use them can vary. For example, EPA uses the term "wasted food" to refer generally to food that does not go to its intended purpose anywhere along the food system. ReFED calls this "surplus food."

#### Here is how the National Gleaning Project thinks about these terms:

**Food waste** is a broad term that describes food that has been produced but is not eaten. Every stage of the food system makes waste: production, processing, distribution, retail, and consumption. However, this means that there is opportunity at every stage of the food system to reduce waste. Food waste on its way to a landfill can be composted instead. Some food that might be composted can be fed to livestock instead—and so on.

Food loss describes food that is not eaten, but does not become part of the conventional waste stream. Food loss is produced largely before the retail and consumption stages, including during production when food is grown but does not leave the farm. Sometimes the price for a crop has fallen since the farmer planted and it may no longer be worth the expense of harvesting. Sometimes a field is harvested but vegetables or fruits are left behind because they don't meet retail standards for size, shape, and color. There is a small but growing demand for "ugly produce," and when ugly produce companies source from small producers they can help farmers run a more profitable business. However, some people argue that if food is going to be wasted, leaving it on the farm is the best place to do so, before resources have been used for harvesting, shipping, and storing it. There, the crops can be tilled under and enrich the soil right away, rather than joining a landfill or municipal composting facility.

**Food scraps** are the parts of food that are inedible, such as peels and cores. Although there are some creative ways that households can use or reuse food scraps, this segment of food waste is generally considered unavoidable. Food scraps don't have implications for gleaning, but they can become food waste if not composted, as they are also organic waste that will produce methane in a landfill.

**Surplus food or excess food** is safe, edible food that is more than what is needed or can be used. Often this refers to prepared food, such as restaurants or events may have at the end of a day, but the term can also include whole and packaged foods found at supermarkets and other retail outlets. This kind of food can be donated or redirected to people who might not have enough, or sometimes, prepared or preserved to extend its shelf life. At the retail level, there are organizations that provide platforms to connect surplus food with a destination where it can be used and a delivery option to get it there. Surplus food represents a big opportunity to reduce food waste and make sure that people don't go hungry.

### Is gleaned and recovered food safe to eat?

Gleaned and recovered food is safe to eat. Many gleaning organizations follow the same standards for produce as grocery stores, and recovered food has the same protections and standards for safety as food that is sold in a retail marketplace. The Bill Emerson Good Samaritan Food Donation Act of 1996 (42 U.S.C. § 1791) provides liability protection for people who donate food, as long as that food is an "apparently fit grocery product" or an "apparently wholesome food." Farmers and gleaning organizations must follow the laws in the state where they operate, which can create a higher standard, but not a lower one.

#### What's new in gleaning and food recovery?

Congress passed the Food Donation Improvement Act in late 2022, and President Biden signed the act into law on January 5, 2023. The Food Donation Improvement Act, or FDIA, is

expected to bolster liability protections for food donors. The FDIA specifies that protections are available whether donated food is ultimately distributed for free, or at a low cost that helps cover the costs of distribution. It also expands protections to businesses or organizations that donate food directly to end recipients, rather than needing to donate to a 501(c) or charitable organization. The FDIA also directs the USDA to pass regulations that "clarify the quality and labeling standards" required for donations to qualify for liability protection. These regulations are requested by about the middle of summer 2023.

# **FARMERS FAQs**

### Why should farmers get involved in gleaning?

There are a few important reasons for farmers to get involved in gleaning and food recovery. The United States produces more food than it needs, and this surplus often ends up wasted. The participation of farmers in gleaning serves as the foundation of the gleaning movement: without farmers' participation, gleaning projects across the country would not happen. Some farmers participate in gleaning because it gives them a sense of pride in helping to decrease food waste and food insecurity in their local area. There are also some state and federal laws that provide tax incentives to farmers who participate in gleaning activities by donating food or crops. Collaborating can give farmers a sense of pride in helping their neighbors and providing better access to food. It allows volunteers and farmers to get to know each other and build their networks. Finally, having more people on farms more often can benefit farmers economically by increasing direct sales.

The Bill Emerson Good Samaritan Food Donation Act of 1996 protects farmers and gleaners (as well as their volunteers) from certain liabilities, and the Food Donation Improvement Act of 2023 expands some of those protections. Knowing this can help to reassure farmers about hosting gleaning organizations on their farm.

#### What is the risk for farmers?

Allowing a gleaning organization and their volunteers onto a farm poses some risk for the farm's owner or operator, but state and federal laws offer some liability protections for all parties involved. Section D of the Bill Emerson Good Samaritan Food Donation Act of 1996 protects farmers from liability when working with gleaning volunteers or organizations (42 U.S.C. §1791(d)). This law provides civil and criminal liability protection for parties involved in donating food "in good faith" if an eater gets sick. The Food Donation Improvement Act of 2023 extends some of these protections, and many states have also passed laws to limit liability for "good samaritan" actors. Farmers should ask if the gleaning operation has insurance as well; the Risk Management Agency of the USDA has produced materials for farmers that give guidance for hosting a gleaning organization.

#### How can farmers find gleaning groups?

The National Gleaning Project (NGP) maintains a map of gleaning organizations across the United States. Because gleaning groups are often volunteer-led and may be informal, information can change quickly. If you come across an entry that is no longer correct, please let us know. The USDA's National Institute of Food and Agriculture website may also provide

information on gleaning initiatives in your area. This website should be approached more like a search engine; it also includes general advice on gleaning.

Your state's cooperative extension service can offer guidance on gleaning and coordinate the meeting of farmers and gleaners. Each state has an extension service headquartered at a land-grant college or university, and most states have multiple local extension offices. This coordination can help farmers and gleaning organizations access information, experts, and other resources.

# How should farmers prepare to host a gleaning group?

To prepare your farm for the gleaning event, post signs regarding any hazards, define where and what to glean, set expectations about how gleaners will be on the farm, and give as much notice as possible of the event. As a farmer, you can decide what level of involvement you would like to have in the project. You can organize all the details or simply say yes to hosting the group. Salvation Farms in Vermont has prepared a how-to guide useful for gleaners, farmers, and other community members who want to participate in gleaning. The National Gleaning Project webpage also includes a directory of laws in your state that may affect how you need to set up for a gleaning project.

## Where can farmers find more information about getting involved in gleaning?

- A Gleaning Guide for Farmers from the Food Law and Policy Clinic at Harvard Law School, the Center for Agriculture and Food Systems at Vermont Law and Graduate School, and the Association of Gleaning Organizations provides information on liability, crop insurance, and tax incentives for farmers.
- <u>Liability Protection for Food Donation</u> from the Public Health Law Center at William Mitchell College of Law gives a good summary of the Bill Emerson Good Samaritan Food Donation Act.
- <u>Gleaning-Related Legal & Policy Resources</u> on the National Gleaning Project site has links to federal laws governing food donation and liability, as well as many related state laws, which may require more of farmers than the federal baseline.
- <u>Tax Incentives and Food Donation for Gleaning Organizations</u> provides information on federal and state tax incentives for farmers, as well as gleaning organizations.

# **VOLUNTEERS FAQS**

### How can volunteers get involved?

If you are curious about gleaning, groups are usually happy to have volunteers. The National Gleaning Project, Feeding America, the Society of St. Andrew, and other groups share opportunities for volunteers (either in map or list form). The pacing of gleaning organizations follows the local growing season; in cold weather, they may not need many volunteers. Depending on the organization, the process to sign up can require some paperwork. Some organizations simply require your name and email address to start, but others may require signed forms or safety training. It may be a good idea to ask whether the organization has a waiver form, if you don't see one, as they can contain important safety information. If you are participating in field gleaning, farmers may have additional specifications for the volunteers (for example, that they should wear closed-toe shoes, long pants, and long sleeves, or that they shouldn't smoke or wear perfume). Outside of the field, you can assist with packaging or delivering food, and some organizations welcome help with newsletters and other mailings, recordkeeping and data management, volunteer outreach, and other office tasks.

#### What if there is no gleaning group nearby to volunteer with?

If there is no gleaning group in your area, the Association of Gleaning Organizations (AGO) offers resources that explain how to start a gleaning organization. AGO can connect you with other gleaning professionals who may have advice on starting a project in their area. You can also reach out to farmers and food banks nearby. Farmers in your area may already be donating to food banks, but may not have the time or energy to organize formal gleaning events. That's where you come in! Please reach out if you have questions or need support, don't forget to add your new group to the NGP database, and good luck!

# **GLEANING ORGANIZATIONS FAQS**

#### How can gleaning organizations get started?

Gleaning is an excellent way to help improve food security in your area. Gleaning organizations can help leverage food rescue and environmental impact while supporting farmers and feeding more people in the community. Starting a gleaning organization can seem daunting. Luckily, many people have come before you and charted the way. Although no two gleaning organizations are the same, learning about others' experiences can broaden your ideas of what a gleaning organization can be and help you avoid some common mistakes.

- <u>Inspire Others: Organizational Overview</u> from Food Forward describes the development of the organization's backyard, farmers market, and wholesale food recovery programs.
- <u>Create a Food Rescue Program in Your Community</u> from Boulder Food Rescue includes a step-by-step guide to starting a gleaning program.
- Beyond Bread: Healthy Food Sourcing in Emergency Food Programs from WhyHunger includes a chapter on laying the groundwork for and operating a gleaning program and describes several experienced gleaning organizations.
- <u>The Food Rescue Robot</u> from Boulder Food Rescue is a web-based application that helps gleaning organizations schedule, route, and track volunteers.

#### How should gleaning organizations work with volunteers?

Coordinating volunteers provides an important service to the community. Volunteering helps bring communities together. It allows people to feel fulfilled through helping others and belonging to a cause bigger than themselves. Combining these benefits with gleaning can create a multiplier effect for volunteers, food recipients, and the community at large. Managing people can be difficult, whether they are paid or unpaid, however, and managing volunteers within the realm of gleaning comes with its own benefits and challenges. Fortunately, there are many resources available to gleaning organizations to help them manage their volunteers.

- <u>Inspire Others: People</u> from Food Forward provides tips for recruiting, managing, and retaining volunteers.
- The <u>Volunteer Manual</u> from The Gleaning Project of South Central Pennsylvania and South Central Community Action Programs provides information about recruiting, training, and following up with volunteers and describes various volunteer roles.

- The <u>Waiver, Release</u>, and <u>Indemnification</u> from Willing Hands, Inc. is an example of a form gleaning organizations should consider having volunteers sign to manage legal risks. Among other requirements, the form requires volunteers to assume the risk of gleaning and release and indemnify the gleaning organization against legal claims.
- The <u>Sign-In Sheet/Liability Waiver and Consent Form</u> from Project SHARE of Carlisle is an example of a simple form requiring volunteers to release the organization from liability for accidents, injuries, or death resulting from gleaning.

**THE NATIONAL GLEANING PROJECT** was created in response to the need for a national network connecting modern field gleaning and food recovery organizations across the United States. The National Gleaning Project also provides access to related law and policy resources and samples of waivers, handbooks, and other documents to help support the work of these organizations.

For more information, visit our website at



https://www.nationalgleaningproject.org/

# **Acknowledgements:**





The Center for Agriculture and Food Systems (CAFS) at Vermont Law and Graduate School uses law and policy to build a more sustainable and just food system. With local, regional, national, and international partners, CAFS addresses food system challenges related to food justice, food security, farmland access, animal welfare, worker protections, the environment, and public health, among others. CAFS works closely with its partners to provide legal services that respond to their needs and develop resources that empower the communities they serve. Through CAFS' Food and Agriculture Clinic and Research Assistant program, students work directly on projects alongside partners nationwide, engaging in innovative work that spans the food system. To learn more, please visit www.vermontlaw.edu/cafs.



The Association of Gleaning Organizations (AGO) works to build the capacity of other food rescue entities to provide healthy food access to vulnerable populations while reducing food waste and connecting communities. Founded in 2019, we are a member-led, member-run association composed of gleaning organizations in North America. Please visit <a href="https://www.gleaningorgs.com">www.gleaningorgs.com</a> for more information.



This project is funded by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture.