



Strengthening Food Donation Operations During COVID-19:

Key Issues and Best Practices for
Governments Around the Globe

AUTHORS

This report was written by Emily M. Broad Leib and Melissa Shapiro at the Harvard Law School Food Law and Policy Clinic with contributions from Douglas O'Brien, Halley Aldeen, and Alyssa Ceretti at The Global FoodBanking Network.

ACKNOWLEDGEMENTS

We are grateful to The Global FoodBanking Network's member and affiliate organizations whose candid survey responses and expertise informed much of our analysis.

ABOUT THE GLOBAL FOOD DONATION POLICY ATLAS

The Global Food Donation Policy Atlas is a first-of-its-kind initiative to promote better laws around food donation in order to help address both food loss and food insecurity. This project maps the laws affecting food donation in countries across the globe, in order to: help practitioners understand national laws relating to food donation; compare laws across countries and regions; analyze legal questions and barriers to donation; and share best practices and recommendations for overcoming these barriers. The project is a partnership between Harvard Law School Food Law and Policy Clinic and The Global FoodBanking Network. To learn about and compare the food donation laws and policies for the countries FLPC has researched to date, visit www.atlas.foodbanking.org.

About the Harvard Law School Food Law and Policy Clinic

The Harvard Law School Food Law and Policy Clinic (FLPC) serves partner organizations and communities by providing guidance on cutting-edge food system legal and policy issues, while engaging law students in the practice of food law and policy. Our focus is on increasing access to healthy foods, supporting sustainable food production and food systems, and reducing waste of healthy, wholesome food. For more information, visit www.chlpi.org/FLPC.



About The Global FoodBanking Network

The Global FoodBanking Network is an international non-profit organization that nourishes the world's hungry through uniting and advancing food banks in more than 40 countries. GFN focuses on combating hunger and preventing food waste by providing expertise, directing resources, sharing knowledge and developing connections that increase efficiency, ensure food safety, and help food banks reach more people facing hunger. For more information visit www.foodbanking.org.



Made Possible with Support from the Walmart Foundation

The research included in this report was made possible through funding by the Walmart Foundation. The findings, conclusions, and recommendations presented in this report are those of the Harvard Law School Food Law and Policy Clinic and The Global FoodBanking Network, and do not necessarily reflect the opinions of the Walmart Foundation.



ABOUT THIS BRIEF

The rapid onset and global spread of the Novel Coronavirus (COVID-19) pandemic has produced a public health, economic and humanitarian crisis unprecedented in modern times. The pandemic has impacted lives and livelihoods worldwide, destabilizing economies and food systems with devastating effect on the most vulnerable populations. As a result, the United Nations Food and Agriculture Organization (FAO) warned of a “looming food crisis” accompanying the pandemic and called on governments to implement policies to mitigate food system failures and food access concerns.¹ Avoiding the worst outcomes will require governments to take a strategic and multi-sector approach to repair supply chain fractures that are driving food loss and waste and contributing to hunger and food insecurity. Food banks and other food recovery operations are necessary partners for this effort, as they promote the recovery of safe, surplus food, and ensure it is distributed among those who need it most. Yet, without government action, these institutions may go underutilized as part of the global pandemic response.

This issue brief was developed to as a supplement to The Global Food Donation Policy Atlas, a partnership between the Harvard Law School Food Law and Policy Clinic and The Global FoodBanking Network that aims to promote strong food donation policies as solutions to both hunger and food loss and waste.² This brief is intended to apprise governments and policymakers addressing COVID-19 food security issues of urgent and effective policy opportunities to support food banks and food recovery operations during this global crisis. Enhancing these operations will enable governments to rapidly deploy emergency food aid, strengthen national and local food systems, prevent costly food loss and waste, and reduce risk of hunger and food insecurity.

TABLE OF CONTENTS

- Background.....1**
- Key Issues and Best Practices.....2**
 - 1. Recognizing Food Banks and Food Recovery Organizations as Essential to Government Emergency Response2
 - Issue2
 - Best Practice3
 - 2. Deploying Food Banks and Food Recovery Organizations to Fill Gaps in Government Social Protections4
 - Issue4
 - Best Practice5
 - 3. Supplementing Funds and Food Supplies for Food Bank and Food Recovery Organizations to Meet Increased Demands5
 - Issue5
 - Best Practice7
 - 4. Exempting Food Banks and Food Recovery Organizations from Certain Emergency Response Measures to Enable Continued Operation8
 - Issue8
 - Best Practice8
- Conclusion..... 9**

BACKGROUND

Around the world, the COVID-19 outbreak has disrupted food supply chains, undermining food access, limiting food availability, and increasing food loss and waste. At the same time, millions more individuals are out of work and struggling to put food on the table, causing an alarming rise in food insecurity. This is not the first crisis to have destabilized the food system; yet, because of its severity and scale, this pandemic's impact on hunger and food insecurity is likely to have long-lasting and far-reaching effects around the globe. The latest estimates suggest that the number of undernourished people in the world—reported to be 820 million people prior to the COVID-19 outbreak³—will rise, as hunger is poised to double in the coming months.⁴

Avoiding further fallout requires strategic government interventions that align emergency response with nonprofit and private sector efforts to prevent rising hunger and food insecurity. Food donation operations, in particular, have long provided an essential social safety net for the most vulnerable populations, especially in times of economic downturn. Even before the COVID pandemic, food banks and other food recovery organizations helped to mitigate the hunger and food insecurity of more than 62 million people worldwide;⁵ they also provided an economic, environmental and altruistic solution for the 1.3 billion tons of food that is lost or wasted annually by promoting the recovery of safe, surplus food that would otherwise go to waste.⁶

Food banks are charitable, non-governmental organizations that procure or recover food for distribution to populations in need. Networks of local-level beneficiary agencies (such as soup kitchens, shelters, and community pantries), help to facilitate this distribution. In more than 70 countries, there are approximately 1,500 community-based food banks coordinating with 155,000 beneficiaries to reach the most food insecure.⁷ Food banking models vary within and between countries: some models focus on the supply of packaged, shelf-stable foods, often through donations from industry partners; other models depend on surplus cooked food that is left-over from food establishments and food service venues. Food may also be acquired through on-farm rescue, government procurement, or the direct purchase of foods using funds from monetary donations.

Since the outbreak of COVID-19, the potential value of food donation has grown exponentially, as the pandemic has exacerbated issues of hunger, food insecurity, and food loss and waste.

Global food supplies remain sufficient to feed the population, yet efforts to contain the virus, such as restrictions on movements, have undermined food access, upset supply chains, and destabilized markets.⁸ Disruptions upstream in the supply chain due to labor shortages, food processing plant closures, and suspended trade are contributing to local food shortages and price volatility. These disruptions are also adding pressure on retail food markets. The closure of restaurants, schools, institutional kitchens, and hospitality venues have redirected consumers to rely more heavily on retail food outlets. Many grocery stores are unable to keep up with this new demand, especially as consumer concerns related to the health emergency lead to “panic shopping” and hoarding, which are clearing shelves faster than normal.⁹ As a result of these trends, food banks in Africa, Asia, Europe, Latin America, the Middle East, North America and Oceania are reporting a surge in demand for emergency food assistance.¹⁰

While some food system actors are encountering atypical demand and food shortages, other segments of the food system are accumulating substantial volumes of surplus or unmarketable food, leading to food waste along the supply chain.¹¹ Farmers and producers who ordinarily sell to the hospitality sector, for example, are left with massive amounts of surplus food on farms and in the distribution chain due to the closure, or reduced operations, of restaurants, hotels, and event venues.¹² Systems that would normally recover this surplus are

encountering obstacles to effective operation amidst COVID-19; as discussed later in this brief, maintaining food recovery programs during the pandemic requires more paid staff, expanded transportation and logistics capacity, and increased expenditures on equipment such as personal protective equipment for employees. It is therefore likely, if not inevitable, that global food loss and waste will exceed the typical annual rate of 1.3 billion tons by the year's end.

Food banks and other organizations engaged in food donation activities can help solve both of these issues of hunger and of food loss and waste during the pandemic. However, the capacity of the world's food banks to navigate these challenges, while meeting an intensifying need, ultimately depends on government response.

To better understand the impact of COVID-19 on food banks and inform policy related to food donation during the crisis, GFN conducted two surveys of its member and affiliate organizations in April and May 2020.¹³ In response to these surveys, food banks reported that government policies to combat COVID-19 had a measurable, sometimes negative, impact on operations.¹⁴ Further details from survey respondents confirmed that negative effects resulted from restrictions on mobility and the failure of governments to consistently incorporate food donation operations as part of COVID-19 emergency response measures.¹⁵ Accordingly, food banks are reporting both an overall strain on resources and lack of coordination with the sector.

Against this backdrop, this brief serves as a call to action, founded on the principle that the public health crisis caused by COVID-19 does not excuse governments from their obligation to protect, respect, and fulfill the rights of citizens—in this case, the right to food.¹⁶ Pursuant to this right, the international community recognizes that governments bear the primary duty to guarantee unrestricted, uninterrupted access to adequate and available food;¹⁷ governments maintain this duty to combat hunger, food insecurity and malnutrition at all times, even during national emergencies.¹⁸ Achieving this goal requires taking positive policy actions that directly strengthen the operations of food banks and food recovery organizations, as well as avoiding COVID-19 response measures that inadvertently or purposefully undermine food donation efforts.

Based on this principle and the GFN surveys, this issue brief is intended to offer guidance to policymakers as to how they can better partner with and support food banks as a vital part of their COVID-19 response. The analysis highlights the most common issues weakening food donation during the pandemic, and offers best practices for governments to engage food donation operations as an integral part of efforts to ensure ongoing food security.

KEY ISSUES AND BEST PRACTICES

1. Issue: Many countries do not officially recognize food banks and food recovery organizations and exclude entities as part of emergency response measures.

Despite the undisputable benefit of food donation during both emergency and non-emergency situations, non-governmental food banks and food recovery organization are too often excluded from national law and policy. While a handful of food bank networks have longstanding relationships with government officials and strong policy influence, as is the case in the United States,¹⁹ in most countries, these operations lack visibility or influence in policymaking forums. Since the pandemic outbreak, seventy-five percent of food banks surveyed reported official or direct lines of communication with government disaster response, but far fewer have been integrated as part of their government's emergency response effort.²⁰ As of mid-May, just slightly more than half (56%) of surveyed food banks had been engaged in partnership with local or national governments in the

emergency response to COVID-19.²¹ This lack of meaningful coordination reaffirms that governments in these countries fail to recognize the extent to which these operations contribute to national hunger reduction efforts and initiatives designed to prevent food loss and waste—a blind-spot that is especially detrimental during the pandemic.

Even if governments demonstrate an awareness of food banks, because they are non-governmental, non-profit organizations, these operations may not be considered priorities for governmental support. In some countries, food banks have found champions within the government to advocate on the organization's behalf. These policies help to facilitate government funding for food recovery and establish a regulatory framework for food donation activity at a national level.²² In other countries, a lack of formal recognition from governments is likely to leave food banks without clear guidance for how to best contribute to the emergency response, as need for their services arise.

1. Best Practice: Formally recognize food banks and food recovery organizations as essential components of governmental response to food insecurity.

Countries that officially recognize food banks and food recovery organizations in national legal frameworks are better positioned to leverage these operations to combat hunger and food insecurity in times of emergency. This has been the case in the United States: food banks are featured in national food donation legislation that provides liability protection for food donors;²³ they receive annual allocations of food from the federal government under The Emergency Food Assistance Program (TEFAP);²⁴ and under the U.S. tax code, in-kind donations of food to food banks are eligible to receive an enhanced tax deduction that is more generous than the deduction allowed for other in-kind or cash donations.²⁵

As a result of this recognition, food banks in the United States are routinely incorporated in official disaster response and preparedness, at the federal, state and local levels.²⁶ Since the outbreak of COVID-19, the U.S. government has allocated more than US\$3 billion in direct commodity purchases for food banks and more than \$850 million dollars to support food donation efforts and has introduced additional tax deductions for monetary donations made to charitable organizations, such as food banks, during the crisis.²⁷ States have also ensured the continued operations of food banks by naming them as “essential services.”²⁸ Making such designations was undoubtedly made easier by the fact that food bank organizations are already recognized as legitimate and essential institutions in federal law.

Israel offers another example of successful coordination between government and food recovery organizations. In 2018, the government adopted a national food donation law that absolves food donors of criminal and civil liability, provided they adhere to food safety requirements.²⁹ This legislation has better positioned one of Israel's leading food recovery organizations, Leket Israel, to combat food insecurity during the pandemic, as it has formed new partnerships with local authorities and donors who recognize the organization as a legitimate operation subject to legal protections.³⁰

Even if countries already possess legislation that formally recognizes food banks and food donation, governments should build on this acknowledgement and identify opportunities to actively engage these operations as a solution to hunger and food insecurity during COVID-19. Even in countries with federal food donation legislation and accompanying regulations, governments are not necessarily articulating strategies for collaborating with food banking networks on a national scale. Instead, food banks are regarded only as local solutions to community need. In Peru, a food donation law that includes a mandatory donation requirement in times of emergencies³¹ has the potential to support food donation during the pandemic, but is a relatively new

legislative development.³² Failure to fully exercise and enforce relevant laws in direct response to COVID-19 may limit the potential for governments to mitigate hunger and food insecurity within their borders.

For those countries that have not developed legislation or policies specifically designed to promote food donation, the current pandemic nevertheless provides an opportunity to adopt temporary or emergency decrees that formally acknowledge food bank operations and allocate additional support as needed. These measures should not be used as a means to undermine the independence of food bank organizations, but should provide governments with a clearer legal pathway for working with these private sector, nongovernmental entities. In Thailand, where food donation is not a common practice and food banks do not have a clear avenue for communicating with governments, the Scholars of Sustenance Foundation reached out to the government health center to coordinate strategies for safely distributing donated food.³³ Recognizing the limited capacity of food banks to initiate these connections, however, particularly amidst the current crisis, governments should seek to establish formal mechanisms for identifying and engaging with private and non-profit organizations whose mission is to reduce hunger and food insecurity.

2. Issue: Food banks and food recovery organizations are independently filling the gaps left by non-existent or insufficient government social protections.

The outbreak of COVID-19 has only compounded the need for social protections, particularly for families with children, elderly individuals, individuals with chronic illness, or those with lost wages due to the pandemic, as well as other marginalized populations that are predisposed to food insecurity. Social protection refers to a set of policies and programs that address economic, environmental, and social vulnerabilities to food insecurity and poverty by protecting and promoting livelihoods.³⁴ Many organizations, including the World Bank Group, advocate for universal social protection coverage, which includes social assistance for low-income populations through cash transfers, disability benefits, workers compensation, unemployment benefits, and pensions; it also includes preventative measures such as school feeding programs. Few countries outside of the European Union offer extensive protections, and the International Labor Organization (ILO) estimates that 4 billion people, or 55% of the global population, still lack access to any form of social protection coverage.³⁵

Gaps in protection are particularly problematic in the current climate, as an increasing number of people are at risk of losing their livelihoods and looking to government programs for support. According to the ILO, the equivalent of almost 200 million full-time jobs will be lost in the coming months with lost income amounting to US \$3.4 trillion over the course of the year.³⁶ While some countries have invested in additional social protections and emergency support measures to account for these disruptions including direct cash payments, unemployment benefits for furloughed employees, and suspensions of evictions, more than half a billion additional people could be facing poverty as a direct result of the pandemic.³⁷

Many of these newly at-risk populations are turning to food banks, especially when government social protections are non-existent or offer insufficient support. In the GFN survey of food banks in 45 predominantly emerging market countries, all respondents (100%) reported a spike in requests for food aid since the COVID-19 outbreak.³⁸ According to food banks in Ethiopia, Ghana, Madagascar, India, Malaysia, the Philippines, Thailand, Bolivia, Colombia, Ecuador, and others this increase amounted to at least 60% new beneficiaries as of May 2020.³⁹ Half of surveyed food banks reported increases in people served rising more than 51%, and more than a third (37%) of food banks reported demand nearly doubling (91-100%).⁴⁰ In the U.S., Feeding America similarly reports high rates of demand at food banks, with an average increase in demand of 59%, and 40% of recipients having never used food banks before the pandemic.⁴¹ Yet, despite this increasing reliance on food banks, governments still are not integrating these operations effectively into existing social protection programs.

2.

Best Practice: Deploy food banks and food recovery organizations as distribution centers for government social assistance, particularly food assistance to children during pandemic-related school closures.

Preventing the projected rise in poverty and food insecurity will require governments to more strategically integrate food banks and food recovery organizations into existing social protection programs. Food banks ordinarily complement government social protection policy, filling in gaps and enhancing existing protections as needed.⁴² The COVID-19 outbreak provides a critical opportunity for governments to tap into food banks' existing infrastructure and local service networks as a means to reach the most vulnerable populations, especially in emerging market economies.

Perhaps the best opportunity for this integration is in the context of preventative social protections for children and youth populations, as pandemic-driven school closures have interrupted school feeding programs worldwide. Free and reduced-price school meals are recognized as an essential social safety net, as they not only help to break inter-generational cycles of hunger and poverty but remove barriers to education, especially for girls, low-income, and rural children. As of late May 2020, however, 188 countries had instituted national or localized school closures, leaving more than 369 million children, nearly half of whom are girls, without access to school meals.⁴³ While the World Food Programme estimates that 73 countries have found alternative solutions to deliver school meals to children affected by school closures,⁴⁴ such as home delivery,⁴⁵ governments have not necessarily or routinely deployed food banks as vehicles for distribution.

Utilizing food banks as a means of supporting school meals will help to reduce the risk of food insecurity among children, and alleviate financial pressures on families, especially those who rely on informal employment and lack access to other forms of social assistance.⁴⁶ This role is not unprecedented, as according to GFN, before COVID-19, food banks in 18 countries were already implementing feeding programs for school-aged children, including school meals.⁴⁷ Since COVID-19, more food banks are working directly with school administration authorities to develop meal distribution programs and serve children who are out of school. In the United States, food banks are currently working with school districts to implement drive-thru distribution of school meals, offering meals-to-go for beneficiaries with children, and partnering with sites that distribute government subsidized meals during the summer months when schools are not in session.⁴⁸ In many communities throughout Canada, food banks, school meal programs, and other community partners have helped to set up food distribution zones to deliver school meals each week to eligible students who are affected by school closures and social distancing.⁴⁹

As governments continue to aptly prioritize the food security of children, policy interventions encouraging the integration of food banks and replicating public-private models of distribution in emergency response, may help ensure that the meals are successfully delivered to those who need them most.

3.

Issue: Food banks and food recovery organizations are facing severe resource shortages and lack of operational support despite increased demand.

As private non-profit operations, food banks and food recovery organization rely significantly on private donors and funding sources to supply food and financial support of operations; this includes costs of transporting, storing, and distributing donated food, in addition to costs of salary and benefits for staff. In some countries, particularly those that formally recognize food banks, national governments often designate programs to

support food donation, either through direct funding or other resources that expand operations and offset associated costs. Under Brazil's Programa de Aquisição de Alimentos (Food Procurement Program), for example, the government directly purchases food from the country's poorest farmers and distributes the supply among food banks, schools, and other community organizations.⁵⁰ Other countries, such as Canada, have developed food policies that include multiple funding streams to support innovative food waste and food insecurity reduction, and which may ultimately benefit food bank operations.⁵¹

COVID-19 has placed unprecedented pressure on these food recovery organizations, leading to a variety of resource shortages, especially financial strain. The majority of surveyed food banks reported funding as the most immediate critical need, followed by food, transport, cold-chain storage, personal protective equipment, and volunteers.⁵² More than half of food banks (54%) in surveyed countries reported an immediate and critical funding shortfall, with food banks in Ethiopia, Madagascar, India, Ecuador, and Guatemala anticipating a shortfall of 76-100%.⁵³ In April, Feeding America, projected a US\$1.4 billion shortfall in the next six months in order to accommodate the increase in need among Americans.⁵⁴ Eighty-five percent of surveyed food banks report an urgent need for funds simply to maintain operations in the ongoing emergency.⁵⁵ These funding pressures are likely to persist so long as food banks lack a sustainable funding stream.

Even with consistent private sector financial support, food banks are experiencing funding shortfalls due to rapidly rising operational costs, such as increased labor costs to compensate for fewer volunteers. A decrease in volunteers is expected, as those who offer support at food banks are often older populations who are at higher risk to contract the virus, and thus less likely to volunteer during the pandemic; further, food banks in Colombia, El Salvador, Honduras, New Zealand, and Bulgaria, among others, have reported a suspension in volunteers as a result of government response measures, such as quarantines, social distancing, and school closures (causing student volunteers to disperse).⁵⁶ Other food recovery organizations noted a cancellation in corporate volunteer and work placement staff,⁵⁷ or the loss of volunteers from other charitable organizations.⁵⁸

The combined effect of new administrative costs and increased demand for services place enormous budgetary pressures on food banks when their services are most needed.⁵⁹ At the same time, food banks are reporting food shortages due to supply chain disruptions and rising demand. A few surveyed food banks raised concerns about the impact of decreased food imports on food supply and food price;⁶⁰ FoodBank Australia noted that retailers had relaxed their product specification requirements (e.g. cosmetic standards for fresh produce; minimum shelf-life/date codes) to keep up with demand for essential products, which reduced donation supplies from manufacturers and retailers alike;⁶¹ and Zomato Feeding India cited lockdowns as preventing the organization from rescuing prepared food from businesses, private meetings and events, which ordinarily are its largest source of donations.⁶²

Adjusting to these disruptions add further expense to food bank operations, with more than 80% of respondent food banks reportedly purchasing food to meet increased need during the COVID emergency.⁶³ Zomato Feeding India, for example, has responded to the loss of donated food by purchasing food supplies for millions of meal kits (Feed the Daily Wager) to serve informal workers and their families who saw immediate loss of incomes;⁶⁴ the largest food bank in the State of New Jersey in the United States spent an additional \$945,000 a month on food in March and April to account for a loss of 800,000 pounds of donated food during that period.⁶⁵ Prior to the pandemic, most food banks in the GFN system had little or no purchasing activity; purchased food now represents 41% of distributed inventories and 88% of the food banks that are not currently purchasing product expect to do so in the next 90 days.⁶⁶

As explained below, food banks are exploring alternative methods of procuring donated food available from supply chain disruptions, and figuring out how to adapt to changed circumstances; however, given the increased budgetary pressures, government funding and support is necessary to help facilitate this process and offset the additional costs of making necessary adjustments.

3. Best Practice: Provide additional resources to food banks and food recovery organizations as a demonstrated mechanism to route food to hungry populations.

As food banks around the world report resource shortages that undermine their operations, it is critical that governments administer the necessary support through direct funding or facilitate alternative methods of procurement. Some countries are taking such necessary steps: in Canada, the federal government invested CA\$50 million in Food Banks Canada for allocation among its member food banks, and CA\$50 million in established food distribution agencies.⁶⁷ British Columbia in Canada approved an additional CA\$3 million for its provincial food banks.⁶⁸ In some instances, governments have offered innovative support beyond the provision of food and funds, deploying government or military transport to distribute food (United States), and enlisting military personnel to assist in some food bank warehouse operations (Australia).

Governments that are unable to offer additional funding, material, or logistics support, should at least avoid interrupting existing funding streams. Government responses that reduce support for food banks and other civil society actors responding to the COVID crisis not only impedes immediate emergency assistance, but may also delay long-term recovery efforts. The International Monetary Fund (IMF), encouraged governments to prioritize lives, livelihoods, and recovery considerations when deliberating on COVID-related economic and budgetary policies, recognizing that helping people meet basic needs is linked to productivity in the recovery phase.⁶⁹ Supporting food banks through government policies is consistent with the IMF's recommended priorities, and is an efficient and effective policy means to extend social protections with limited public expenditures, especially in emerging market countries.

Government interventions can also provide in-kind support to help food banks respond to immediate food supply needs. Because food banks are so closely connected to marginalized and impoverished communities, they offer an established avenue to efficiently get excess food to those in need. In the United States, food banks are receiving \$850 million in additional in-kind support through TEFAP, a federal program that provides food commodities at no cost to food assistance providers.⁷⁰ Recognizing that it will take the federal government several months to deliver these TEFAP-procured commodities to food banks, the Department of Agriculture also implemented the Coronavirus Food Assistance Program, which provides food banks with pre-approved boxes of fresh produce, dairy, and meat products from distributors and wholesalers, among other assistance.⁷¹ In several other countries, including China, India and Ghana, food banks have deployed a similar procurement model, partnering with commercial supply chain producers to acquire food boxes with surplus produce or prepared meals for beneficiaries.⁷²

Since not all governments have the capital or experience developing procurement policies to directly support food banks and food recovery organizations, providing incentives for private donors is an effective alternative. The U.S. Coronavirus Aid, Relief, and Economic Security (CARES) Act incentivizes monetary donations to food banks (as well as other charitable organizations) by offering additional tax relief for donors.⁷³ This includes an additional deduction from adjusted gross income of up to \$300 for charitable contributions, in addition to the tax benefits ordinarily available to food donors.⁷⁴ While this a relatively small benefit, it has the potential to have a large cumulative impact, as it will not only signal the value of food bank organizations to private investors, thus encouraging a high volume of donations, but will also provide critical and immediate support for food donation.

4. Issue: Food banks and food recovery organizations are encountering new barriers to food rescue and delivery.

Despite the vital role of food banks and food recovery organizations in supporting food security and reducing food loss and waste, in many countries these organizations are facing challenges that result not just from the pandemic, but from government responses to COVID-19. In order to prevent the spread of COVID-19, governments around the world have introduced restrictions that impede the flow of people and food. When asked to identify government policies in response to COVID-19 that have negatively harmed operations, 50% of respondent food banks cited curfews, 52% cited quarantine or shelter-in-place orders, 66% cited transportation restrictions, and 24% responded that the government had ordered the closures of local beneficiary organizations.⁷⁵

Although food bank operations vary within and between countries, mandated restrictions imposed as part of the governmental pandemic response generally strain food bank efforts to procure and distribute food for emergency relief. Curfews, as well as shelter-in-place orders, have interrupted on-farm rescue activities as well as day-to-day operations at the food bank, as volunteers and staff have more limited mobility. These restrictions also limit the window of time in which donors may deliver food to food banks, and in which beneficiaries (charitable organizations and individuals) may collect food. The ordered closures of beneficiary organizations can leave food banks without intermediaries to transport food to beneficiaries, especially those in remote areas or those who rely on this distribution method.

The further that food must travel to get to those in need, the greater the impacts of restrictions on travel and movement on food bank operations. Indeed, with an increased awareness of food insecurity and food loss and waste in recent years has come growth in innovative models of food recovery and donation. Many of these models, for example, involve mobilizing operations to recover potential food waste earlier in the supply chain, at the on-farm and post-harvest stages, and to reach out to populations living in remote or underserved communities. In Colombia, for example, the Association of Food Banks (ABACO) operates an on-farm fruit and vegetable recovery program to expand its reach in rural communities and actively prevent food loss and waste.⁷⁶ In South Africa, FoodForward SA launched a Second Harvest program that collects surplus food directly from commercial suppliers for distribution among beneficiaries and processes a portion of the surplus into products with longer shelf lives.⁷⁷

Implementing these initiatives requires food banks to invest in additional resources beyond the often-used warehouses or storage facilities. Food banks may need to acquire vehicles to transport food from more remote areas, hire drivers to drive to pick-up and drop-off points, and build cold-chain or processing infrastructure to accommodate surplus fresh fruits and vegetables. As food donation operations increase in their ability to recover food from across the supply chain, the complexity of these chains is even further challenged due to restrictions on movement of people or goods.

4. Best Practice: Create exceptions to emergency response measures, such as lockdowns, curfews, and stay-at-home orders, to ensure that the receipt and distribution of food donations continue uninterrupted.

As mentioned at the start of this brief, declaration of a state of emergency or the existence of a public health crisis does not justify government action that undermines the right to be free from hunger and food insecurity. Government action that does not accommodate or engage food banks in the emergency response weakens government capacity to attend to the basic rights and humanitarian needs of its people. It is therefore the

obligation of governments, and in the interest of effective governance, to implement COVID-19 response measures that enable food donation operations to continue to deliver food to beneficiaries. Designating food banks as “essential services,” exempt from social distancing restrictions or mandatory businesses closures, provided health and safety protocols are met, has enabled continued operation in the United States, as previously mentioned; in Argentina and Bolivia, food banks also have received government permission to continue operations despite the imposition of quarantines and curfews, respectively.⁷⁸ The food bank in Chile, Red de Alimentos, has applied for a similar permit exemption in the event that the government introduces new mobility restrictions.

While these explicit exemptions are useful, food banks and food recovery organizations still face challenges carrying out on-farm food rescue and distributing food to intermediaries and beneficiaries as governments seek to extend or tighten social distancing measures. Before announcing these actions, governments should conduct direct consultation with food banking networks and food recovery organizations to better assess the potential impact of the proposed measures on food banking operations. Investing in and supporting innovative food banking models that do not rely as heavily on warehouses or facilities to collect, sort, and distribute food may also enable food banks to continue operations in accordance with pandemic response measures. For example, funding or facilitating the acquisition of vehicles for food banks to bolster on-farm food rescue and home-delivery will enable food banks to actively procure food that may not otherwise reach markets due to transportation restrictions, and to provide beneficiaries with food without violating curfews or limits on social gathering.

Declaring food banks an essential service and fully integrating food banks in emergency preparedness, planning, and implementation is therefore a highly recommended policy intervention, and one which will enable governments to more effectively meet challenges in the current crisis and better prepare for future emergencies.

CONCLUSION

The COVID-19 pandemic has created instability in food systems, and forced unprecedented levels of hunger and food insecurity around the world. Food banks and food recovery organizations, which already played an important role in curtailing these trends under normal circumstances, have emerged as highly visible, effective, and critical actors amidst the pandemic, while facing higher demands for food than ever before. Nevertheless, many governments are not adequately recognizing this contribution nor integrating food banks and food donation as part of COVID-19 emergency response measures. As the pandemic continues, governments must afford these operations greater attention, both as essential providers of humanitarian relief during this crisis, and a crucial social safety net partner as countries recover from COVID-19’s long-term impacts. This issue brief offers direction for doing so, by highlighting the demonstrated benefits that food banks offer during this time of crisis and recommended best practices for policies to support their operation.

ENDNOTES

- 1 *Novel Coronavirus (COVID-19): Q & A* FOOD & AGRIC. ORG. OF THE UNITED NATIONS (FAO), <http://www.fao.org/2019-ncov/q-and-a/impact-on-food-and-agriculture/en/>, (last visited May 25, 2020).
- 2 The Global Food Donation Policy Atlas project was made possible through funding by the Walmart Foundation. The findings, conclusions, and recommendations presented in that project and the present issue brief are those of Harvard Law School Food Law and Policy Clinic and of The Global FoodBanking Network, and do not necessarily reflect the opinions of the Walmart Foundation.
- 3 FAO, THE STATE OF FOOD SECURITY AND NUTRITION IN THE WORLD: SAFEGUARDING AGAINST ECONOMIC SLOWDOWNS AND DOWNTURNS 6 (2019), <http://www.fao.org/3/ca5162en/ca5162en.pdf>.
- 4 Agnieszka de Sousa, *World Hunger Could Double as Coronavirus Disrupts Food Supplies*, BLOOMBERG (Apr. 9, 2020), <https://www.bloomberg.com/news/articles/2020-04-09/world-hunger-could-double-as-coronavirus-disrupts-food-supplies>.
- 5 THE GLOBALFOODBANKING NETWORK (GFN), THE STATE OF GLOBAL FOOD BANKING (2019), <https://www.foodbanking.org/stateofglobal-foodbanking/>.
- 6 FAO, GLOBAL FOOD LOSSES AND FOOD WASTE—EXTENT, CAUSES, AND PREVENTION 4 (2011), <http://www.fao.org/3/ai2697e.pdf>.
- 7 Numbers noted here account for the food bank membership of the three largest international food bank networks: Feeding America (US), the Federation of European Food Banks (Europe) and The Global FoodBanking Network (45 countries). See *The COVID-19 Pandemic is Deepening the Hunger Crisis. Food Banks Can't Do It Alone*, Open letter from Feeding America, FEBA, and GFN (April 14, 2020), <https://www.foodbanking.org/international-call-to-action-food-banks-cant-do-it-alone/>. See also, GFN, *supra* note 5.
- 8 *COVID-19 may spare global food markets, but not vulnerable countries*, AMIS (April 2, 2020), <http://www.amis-outlook.org/news/detail/en/c/1152577/>; See also, Simona Beltrami, *How to minimize the impact of the Coronavirus on food security*, WORLD FOOD PROGRAMME (March 16, 2020) <https://insight.wfp.org/how-to-minimize-the-impact-of-coronavirus-on-food-security-be2fa7885d7e> (referring to statements by the World Food Programme's Chief Economist, Arif Husain).
- 9 See Elizabeth Royte, *Food waste and food insecurity rising amid coronavirus panic*, NATIONAL GEOGRAPHIC (March 30, 2020), <https://www.nationalgeographic.com/science/2020/03/food-waste-insecurity-rising-amid-coronavirus-panic/>.
- 10 GFN, Food Impact Grid 0430: GFN Country Classifications (Apr. 30, 2020) (on file with author).
- 11 Annie Gasparro, *et al.*, *Two Months that Tore Apart the Food Chain*, WALL STREET JOURNAL (April 29, 2020), https://www.wsj.com/articles/two-months-that-tore-apart-the-food-chain-11588174236?shareToken=stc14f8e676ed-f429e805f7cbc0d0d4803&reflink=article_email_share; FAO, *COVID-19 and the risk to food supply chains: How to respond?* (March 29, 2020), <http://www.fao.org/3/ca8388en/CA8388EN.pdf>.
- 12 ReFED, *ReFED'S COVID-19 U.S. Food System Review* (April 6, 2020), <https://www.refed.com/content-hub/refeds-covid-19-u-s-food-system-review/>.
- 13 GFN, COVID Pulse Survey government partnerships – April 2020 (39 countries represented, 43 food banks/national networks respondents) May 2020 (45 countries, 48 food banks/national networks respondents) (on file with authors).
- 14 *Id.*
- 15 *Id.*
- 16 International Covenant on Economic, Social and Cultural Rights, art. 11, Dec. 16, 1966, 999 U.N.T.S. 3 (entered into force Jan. 3, 1976).
- 17 UN Committee on Economic, Social and Cultural Rights, *General Comment No. 12: The Right to Adequate Food (Art. 11)*, E/C.12/1999/5 (12 May 1999).
- 18 *Id.*
- 19 See *Impact Report*, FEEDING AMERICA, <https://www.feedingamerica.org/about-us/donor-impact-report> (last visited April 23, 2020).
- 20 GFN, COVID Pulse Surveys, *supra* note 13.
- 21 *Id.*
- 22 *Id.*
- 23 Bill Emerson Good Samaritan Food Donation Act, 42 U.S. Code § 1791 (2012).
- 24 *What is The Emergency Food Assistance Program?* U.S. DEP'T OF AGRIC. <https://www.fns.usda.gov/tefap/tefap-fact-sheet> (<https://perma.cc/VQAS-3E8T>).
- 25 See I.R.C. § 170(b), (c), (e)(3)(c).
- 26 AMERICA'S SECOND HARVEST, KATRINA AND RITA AFTERMATH: THE IMPACT ON EMERGENCY FOOD DISTRIBUTION AND CLIENTS (2005).
- 27 Families First Coronavirus Response Act, Pub. L. No. 116-127 (2020); Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136 (2020); *USDA Announces Coronavirus Food Assistance Program*, USDA (Apr. 17, 2020), <https://www.usda.gov/media/press-releases/2020/04/17/usda-announces-coronavirus-food-assistance-program>.
- 28 See e.g., Governor Baker of the Commonwealth of Massachusetts, *Exhibit A of the order of the Governor assuring continued operation of essential services in the Commonwealth, closing certain workplaces and prohibiting gatherings of more than 10 people* (March 23, 2020), <https://www.mass.gov/doc/covid-19-essential-services/download>.
- 29 Encouragement of Food Donations Law, 5779-2018 (SEFER HAHUKIM [SH] [BOOK OF LAWS] (official gazette) 5778 No. 2752 p. 10 (Israel).
- 30 *Daily updates during the Corona Crises*, LEKET ISRAEL, <https://www.leket.org/en/crisis-update/> (last visited May 18, 2020).
- 31 Ley No. 30498, Ley que Promueve la Donación de Alimentos y Facilita el Transporte de Donaciones en Situaciones de Desastres Naturales (Aug. 2, 2016).
- 32 GFN, COVID Pulse Surveys, *supra* note 13.
- 33 *Id.*
- 34 FAO, FAO SOCIAL PROTECTION FRAMEWORK: PROMOTING RURAL DEVELOPMENT FOR ALL 6 (2017), <http://www.fao.org/3/a-i7016e.pdf>.
- 35 INT. LABOR ORG., WORLD SOCIAL PROTECTION REPORT: UNIVERSAL PROTECTION TO ACHIEVE THE SUSTAINABLE DEVELOPMENT GOALS 2017-2019, xxix (2017), https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_604882.pdf.
- 36 Philip Alston, United Nations Office of the High Commissioner for Human Rights, “Responses to COVID-19 are failing people in poverty worldwide” – UN human rights expert, U.N. Press Release (22 Apr. 2020), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25815>.
- 37 *Id.*
- 38 GFN, Food Impact Grid 0430, *supra* note 10.
- 39 *Id.*
- 40 GFN, COVID Pulse Surveys, *supra* note 13.

41 Caitlin Welsh, *Covid-19 and the U.S. Food System*, CTR. FOR STRATEGIC AND INT. STUD. (May 21, 2020), <https://www.csis.org/analysis/covid-19-and-us-food-system>

42 Ugo Gentilini, *Banking on Food: The State of Food Banks in High-Income Countries* (Ctr. for Soc. Protection and Inst. of Dev. Stud., Working Paper No. 415, 2013).

43 *Global Monitoring of School Meals During COVID-19 School Closures*, WORLD FOOD PROGRAMME, https://cdn.wfp.org/2020/school-feeding-map/?_ga=2.75745621.1303371348.1587569558-837652241.1587569558 (last visited May 27, 2020).

44 *Id.*

45 See GFN, Government social protection responses to COVID-19 pandemic, (on file with author).

46 Russel M. Viner et al., *School closure and management practices during coronavirus outbreaks including COVID-19: a rapid systematic review*, 4 THE LANCET 397, 398 (2020), [https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642\(20\)30095-X/fulltext](https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642(20)30095-X/fulltext).

47 *COVID-19 & School Meals around the World*, THE GLOBAL CHILD NUTRITION FOUNDATION, <HTTPS://GCNF.ORG/COVID/> (last visited April 23, 2020).

48 *3 ways food banks are feeding kids and families while schools are closed*, FEEDING AMERICA (March 20, 2020), <https://www.feedingamerica.org/hunger-blog/3-ways-food-banks-are-feeding-kids-and-families-while-schools-are-closed>.

49 Nina Grossman, *COVID-19: School-based lunch programs expand to feed thousands during crisis*, OAK BAY NEWS (Apr. 9, 2020), <https://www.oakbaynews.com/news/covid-19-school-based-lunch-programs-expand-to-feed-thousands-during-crisis/>.

50 *Entenda como funciona o Programa de Aquisição de Alimentos*, Gov. BR. (April 2, 2020), <https://www.gov.br/pt-br/noticias/agricultura-e-pecuaria/2020/01/entenda-como-funciona-o-programa-de-aquisicao-de-alimentos>.

51 FOOD POLICY FOR CANADA, GOV'T OF CANADA (June 2, 2017), <https://www.canada.ca/en/campaign/food-policy.html>.

52 GFN, Food Impact Grid 0430, *supra* note 10.

53 *Id.*

54 *Feeding America Food Bank Network Projects \$1.4 Billion Shortfall Due to The COVID-19 Crisis*, FEEDING AMERICA (April 1, 2020), <https://www.feedingamerica.org/about-us/press-room/feeding-america-food-bank-network-projects-14-billion-shortfall-due-covid-19>.

55 GFN, Food Impact Grid 0430, *supra* note 10.

56 *Id.*

57 *Id.* (response from FoodCloud in Ireland).

58 *Id.* (response from FoodBank Canterbury in New Zealand).

59 GFN, COVID Pulse Surveys, *supra* note 13..

60 See GFN, Food Impact Grid 0430, *supra* note 10.

61 *Id.*

62 *Id.*

63 GFN, COVID Pulse Surveys, *supra* note 13.

64 *Our vision: make India hunger free*, ZOMATO FEEDING INDIA, <https://www.feedingindia.org/ourwork> (last visited May 25, 2020).

65 Yelena Dzhanova, *Food banks are closing and losing their workforce because of the coronavirus*, CNBC (Apr. 29, 2020), <https://www.cnbc.com/2020/04/28/coronavirus-food-banks-are-closing-and-losing-their-workforce.html>.

66 GFN, COVID Pulse Surveys, *supra* note 13.

67 Rod Link, *Area food banks receiving emergency grants in response to COVID-19 impacts* (April 20, 2020), <https://www.haidagwaiobserver.com/news/area-food-banks-receiving-emergency-grants-in-response-to-covid-19-impacts/>.

68 *Id.*

69 *The IMF's response to COVID-19*, INTERNATIONAL MONETARY FUND (IMF) (May 20, 2020) <https://www.imf.org/en/About/FAQ/imf-response-to-covid-19>.

70 Families First Coronavirus Response Act, Pub. L. No. 116-127 (2020); Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136 (2020).

71 *USDA announces Coronavirus Food Assistance Program*, U.S. DEP'T OF AGRIC. (Apr. 17, 2020), <https://www.usda.gov/media/press-releases/2020/04/17/usda-announces-coronavirus-food-assistance-program>.

72 GFN, Food Impact Grid 0430, *supra* note 10.

73 Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136 (2020).

74 *Id.*

75 GFN, COVID Pulse Surveys, *supra* note 13.

76 *Food loss and waste has consequences from farm to fork*, The Global FoodBanking Network (June 25, 2019), <https://www.foodbanking.org/food-loss-and-waste-has-consequences-from-farm-to-fork/>.

77 *Id.*

78 GFN, COVID Pulse Surveys, *supra* note 13.

© June 2020



**THE GLOBAL
FOOD DONATION
POLICY ATLAS**

