



Urban Agriculture and

# Gleaning Practices

September 2017



*A Blueprint Developed by the Cass Clay Food Partners*

# Gleaning Practices

This issue brief will provide background information related to gleaning and address the common concerns and benefits from a health, environmental, social, and economic standpoint. Appendices have been provided to share how regional jurisdictions are managing gleaning, example policy language from other jurisdictions, as well as a listing of current food donation locations in the Fargo-Moorhead metro area.

## Background

Over 1.3 billion tons of food - one third of the entire food supply - are wasted across the globe annually, affecting not only the economy to the tune of \$250 billion, but also harming the environment. Producing food that doesn't reach our plates takes the same amount of resources of that which does. It is estimated that food waste is responsible for 35 million tons of greenhouse gasses per year, 25% of all freshwater use, and 300 million barrels of wasted oil annually.<sup>1</sup>

Simultaneously, about 49 million people are at risk of going hungry.<sup>2</sup> Food insecurity affects 15.8% of people nationally, meaning they do not have sufficient access to healthy, nutritious, and affordable food. The rate of food insecurity in North Dakota is 8%, and is 9.6% in Cass County.<sup>3</sup> One way to bridge this divide is through gleaning - the "act of collecting excess fresh foods from farms, gardens, farmers markets, grocers, restaurants... in order to provide it to those in need."<sup>4</sup> Gleaning networks are springing up all across the country in rural and urban areas with a mission to increase food access and reduce the amount of food deserts in our communities. This coordination between volunteers, business owners, farmers, shelters, and food pantries provides a vital resource to those who are hungry.

Food and resources can come from a variety of places. The Environmental Protection Agency produced a Food Recovery Hierarchy which displays the most efficient ways to reduce food waste (Figure 1).<sup>5</sup> This hierarchy begins on the production level, but second to that is donating excess food to those who need it. Networks of volunteers can collect food from farms and places of sale (i.e. grocery stores, farmer's markets, etc.) for appropriate distribution. These volunteers and donors are protected by the Federal Bill Emerson Good Samaritan Food Donation Act, which encourages food donation by protecting donors from liability when donating to a non-profit for distribution to individuals in need.<sup>6</sup> The biggest barrier for the success of gleaning networks is the ability for businesses to get the food to those in need. Large, dedicated networks of volunteers are needed to properly allocate that food.



<sup>1</sup>Payne, Kyra. "The Consequences of Food Waste." Inquiries Journal. 2014. <http://www.inquiriesjournal.com/articles/890/the-consequences-of-food-waste>

<sup>2</sup> "Let's Glean: United We Serve Toolkit." United States Department of Agriculture.

<sup>3</sup> "Food Insecurity in the United States" Feeding America. 2017. <http://map.feedingamerica.org/>

<sup>4</sup> "Let's Glean: United We Serve Toolkit." United States Department of Agriculture.

<sup>5</sup> "Food Recovery Hierarchy." United States Environmental Protection Agency. 2017. <https://www.epa.gov/sustainable-management-food/food-recovery-hierarchy>

<sup>6</sup> "Federal Bill Emerson Good Samaritan Food Donation Act." Feeding America. 2017. <http://www.feedingamerica.org/ways-to-give/give-food/become-a-product-partner/protecting-our-food-partners.html?referrer=https://www.google.com/>

Further, gleaning networks are at work in farmer's fields across the country, collecting imperfect, damaged, or otherwise neglected produce for donation to food pantries, shelters, and other establishments that can provide food to the hungry. The Society of St. Andrew connects farmers to gleaning networks across the United States. In 2015 they collected over 25.5 million pounds of produce from "spent" fields in Minnesota and North Dakota and distributed that food to shelters and hungry people around the states.<sup>7</sup>

Tax incentives for farms and businesses are also available to encourage food donation. In 2015, the PATH Act was passed providing companies with enhanced incentives for donating extra food, including enhanced tax deductions, increasing charitable contributions caps, defining a fair market value for food, and more (Donation centers in the Fargo Moorhead area can be found in Appendix C).<sup>8</sup> In Los Angeles County, California, the Los Angeles Food Policy Council actively advocates for food recovery projects by providing resources for the community. On the county's public health website ([publichealth.lacounty.gov](http://publichealth.lacounty.gov)), gleaners can find information about organizations that rescue food, liability information, and more. Further, the food policy council promotes food recovery through a food recovery working group whose mission is to "Eliminate the one million tons of food waste that is sent to LA's landfills every year through policy strategies that address the recovery of food resources for consumption (source reduction and improving food security), livestock feed, energy and compost, while supporting high environmental, social and worker standards and our local urban farms and soils."<sup>9</sup> California also provides incentives for food recovery through tax deductions and incentives, as described in Appendix B.

Organizations are hard at work allocating food from fields, but there are also networks of hunters and fishermen who are donating food they reap. The North Dakota Game and Fish Department paired up with the Community Action Partnership to create Sportsmen Against Hunger, a program that connects hunters to certified processing facilities that will then donate their meat to food pantries across the state.<sup>10</sup> Minnesota has a program that is a product of collaboration between the Minnesota Department of Agriculture and the Minnesota Department of Natural Resources, called the Minnesota Hunter Harvested Venison Donation Program. This program provides resources to processors about donating and certification requirements, and a reimbursement of \$70 per deer processed.<sup>11</sup> Programs like these allow not only for less waste of hunted animals, but also more fresh, local meat in food pantries, helping to relieve food insecurity in our states. More information on both programs can be found in Appendix C.

Local jurisdictions have the ability to promote food recovery through policies such as the tax incentives in California, but also in other ways. Through partnerships with local food recovery organizations, communities can create accessible maps, volunteer guides, workshops, and other resources for community members to meet food recovery goals for their jurisdictions.

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<sup>7</sup>"Food Distribution Report." Society of St. Andrew. 2015. <http://endhunger.org/distribution-report/>

<sup>8</sup>"United States Tax Benefits" Food Donation Connection. 2015. <http://www.foodtodonate.com/Fdcmain/TaxBenefits.aspx>

<sup>9</sup>"Food Resources Recovery Working Group." Los Angeles Food Policy Council. 2017. <http://goodfoodla.org/policymaking/working-groups-2/food-resource-recovery-working-group/>

<sup>10</sup>"Sportsmen Against Hunger" Community Action Partnership. 2017. <http://www.capnd.org/what-we-do/statewideprograms/sportsmen-against-hunger/overview.html>

<sup>11</sup>"Hunter Harvested Venison Donation." Minnesota Department of Agriculture. 2017. <https://www.mda.state.mn.us/licensing/inspections/meatpoultryegg/venisondonation.aspx>

Table 1. Summary of gleaning legislation in local jurisdictions

Moorhead	Dilworth	Clay County	Fargo	West Fargo	Cass County
Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed

Table 2. Framework for evaluating gleaning

DOMAIN	BENEFIT	CONCERN
Health	Increased access to fresh, healthy, local food Increased physical activity	Risk of foodborne illness Risk of injury to volunteers
Environment	Reducing food waste Reduction of greenhouse gasses produced in food transportation	
Social	Connecting consumers with farmers to reduce hunger in a community Creating places for people to connect through an organized volunteer network	Potential for damage to private property Gleaning networks rely on volunteers
Economic	Reducing food waste Tax incentives for farmers and businesses Increasing food access to those in need	Potential for lost revenue for farms and businesses with donation Cost of liability insurance for farmers

## Resources

If you have questions, please contact Kim Lipetzky with the Fargo Cass Public Health Office at 701-241-8195 or [klipetzky@cityoffargo.com](mailto:klipetzky@cityoffargo.com).

## Appendix A: Gleaning in Regional Jurisdictions<sup>12</sup>

### **Minnesota**

MINN. STAT. § 604A.10 (1998).

Title: Liability of food donors. This law protects a food manufacturer, distributor, processor, or a person who donates food to “the state, a political subdivision, an institution or facility operated by the state or a political subdivision,” or nonprofit charitable organization, and a food bank or nonprofit charitable organization that collects, receives, and distributes such donated food at no charge, from liability for any injury arising out of the condition of such food, except in cases of gross negligence, recklessness, or intentional misconduct.

### **North Dakota**

N.D. CENT. CODE § 19-05.1-03 (1983).

Title: Charitable or nonprofit organization liability for injury. This law protects a charitable or nonprofit organization that receives or distributes food at no charge from criminal or civil liability for injuries resulting from the condition of the food, except in cases of gross negligence or willful conduct.

N.D. CENT. CODE § 19-05.1-02 (1983).

Title: Donor or gleaner liability for injury. This law protects a donor or gleaner who donates any perishable food to a charitable or nonprofit organization for free distribution from criminal or civil liability for injuries arising from the condition of the food, except in cases of negligence or willful conduct.

N.D. CENT. CODE § 50-06-35 (2009).

Title: Department of human services food assistance contracts. This law provides that the North Dakota Department of Human Services can “contract with a statewide charitable food recovery and distribution organization to develop and implement new methods of delivering charitable food assistance services in underserved counties.” The law includes additional provisions that the Department can implement in regards to expanding food recovery in the state.

### **Nebraska**

NEB. REV. STAT. § 25-21,189 (1989).

Title: Food; donations; limitations on liability. This law protects any person who donates any prepared or perishable food or raw agricultural products to a charitable or nonprofit organization, and a charitable or nonprofit organization that receives and distributes such food without charge, from civil liability for any injury or death arising from the condition of such food, except where the injury directly results from in cases of gross negligence, recklessness, or intentional misconduct of the donor. A charitable or nonprofit organization that receives and distributes such food without charge is relieved from civil liability based on the theory of strict liability unless the injury directly results from gross negligence, recklessness, or intentional misconduct of the organization.

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<sup>12</sup>“The National Gleaning Project.” Vermont Law School. <http://forms.vermontlaw.edu/farmgleaning/indexnew.cfm?id=cat&&no=2>

**South Dakota**S.D. CODIFIED LAWS § 39-4-22 (1981).

Title: Donation of food--Immunity from civil and criminal liability. This law protects a donor or gleaner who donates any perishable food to a charitable or nonprofit organization for free distribution from criminal or civil liability for an injury arising from the condition of the food, except in cases of gross negligence, recklessness, or intentional misconduct.

S.D. Codified Laws §39-4-23 (1981)

Title: Liability for receipt of perishable food by charitable organization. This law protects charitable or nonprofit organizations that receive and distribute food at no charge from criminal or civil liability from injury resulting from the condition of the food unless the injury results from gross negligence, recklessness or intentional conduct.

## Appendix B: Example Ordinances<sup>13</sup>

### California

#### CAL. CIV. CODE § 846.2 (1988).

Title: Invitees on land to glean food for charitable purposes; limited immunity. This law protects an owner, tenant, or lessee who allows gleaning of “agricultural or farm products for charitable purposes” from liability for any person who is injured on the land while gleaning, except in cases of gross negligence or willful and wanton misconduct. Further, the immunity “does not apply if the owner, tenant, or lessee received any consideration for permitting the gleaning activity.”

#### CAL. FOOD & AGRIC. CODE § 49001 (2015).

Title: Creation of Office. This law establishes the Office of Farm to Fork to work with organizations “involved in promoting food access to increase the amount of agricultural products available to underserved communities and schools in this state,” including the agricultural industry, nonprofits, academic institutions, and local, state, and federal government agencies. The Office, in part, will provide assistance for collaboration among farmers, food banks, agencies, and nonprofits in the “gleaning, collection, and distribution of agricultural products for the purposes of reducing hunger and increasing access to healthy foods.”

#### CAL. FOOD & AGRIC. CODE § 58503 (1977).

Title: Surplus food collection and distribution centers. This law allows the board of supervisors of any county to establish a surplus food collection and distribution system and a 24-hour information and food collection center. The center would provide information to connect where agricultural products are available and what organizations need such donated agricultural products and for “collecting, receiving, handling, storing, and distributing donated agricultural products.”

#### CAL. FOOD & AGRIC. CODE § 58505 (1977).

Title: Liability for injuries; counties or donors. This law protects any county, county agency, or person who donates any agricultural product from liability for any injury in connection with such donated product, except in cases of gross negligence or willful act.

#### Cal. Food & Agric. Code § 58505-6 (1977)

Title: Donations of Food. This law protects anyone who engages in selling, distributing or processing agricultural products and donates those products free of charge from liability from injuries resulting from the donated product except where the injury results from gross negligence or a willful act. This law does not protect non-profit charitable organizations from liability for injury.

#### CAL. HEALTH & SAFETY CODE § 114376 (2015).

Title: Community food produces or gleaners; authority to directly sell or provide whole uncut fruits or vegetables or unrefrigerated shell eggs; requirements; registration. This law authorizes a community food

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<sup>13</sup> The National Gleaning Project.” Vermont Law School. <http://forms.vermontlaw.edu/farmgleaning/indexnew.cfm?id=cat&&no=2>

producer or a gleaner to “sell or provide whole uncut fruits or vegetables, or unrefrigerated shell eggs, directly to the public, to a permitted restaurant, or a cottage food operation,” if the community food producer meets all of the specified requirements within the statute and any additional requirements adopted by a local jurisdiction.

CAL. HEALTH & SAFETY CODE § 114376.5 (2015).

Title: Operations inspections of community food producers or gleaners in response to a food safety recall or food safety complaint; costs; cease and desist orders; penalties for violations of Section 114376. This law authorizes an enforcement officer to inspect the operations of a community food producer or gleaner in response to a food safety recall or complaint and to issue the appropriate order for any violations.

CAL. REV. & TAX. CODE § 17053.12 (1996).

Title: Donated agricultural products; credits for transportation costs. This law allows a tax credit for a taxpayer who transports any donated agricultural product in accordance with the Food and Agricultural Code, of an “amount equal to 50 percent of the transportation costs paid or incurred by the taxpayer in connection with the transportation of that donated agricultural product.”

CAL. REV. & TAX. CODE § 23608 (2000).

Title: Donated agricultural products; credits for transportation costs. This law allows a tax credit for a taxpayer who transports any donated agricultural product in accordance with the Food and Agricultural Code of an “amount equal to 50 percent of the transportation costs paid or incurred by the taxpayer in connection with the transportation of that donated agricultural product.” The law also provides additional provisions in regards to the above tax credit.



## Appendix C: Food Donations Centers in Fargo-Moorhead<sup>14</sup>

### North Fargo/Downtown

FACILITY	CONTACT	PHONE	ADDRESS	EMAIL	DROP OFF TIMES	SPECIAL INSTRUCTIONS
Connection Food Pantry	Loida Mance	701-429-4779	909 19 <sup>th</sup> Ave N Fargo, ND 58102	<a href="mailto:loida.mance@yahoo.com">loida.mance@yahoo.com</a>	Fridays 1-3pm	
Peace Lutheran Church	Betty Patterson	701-235-2494	1011 12 <sup>th</sup> Ave N Fargo, ND 58102	<a href="mailto:betty.patterson@ndsu.edu">betty.patterson@ndsu.edu</a>	Monday-Thursday 9am-4pm Fridays 9am-12pm	
Tri-city Haitian Ministry	Paul Aladin	701-540-1383	730 27 <sup>th</sup> St N Fargo, ND 58102			Call before delivering to set up a time.
St Anthony's Church	Deacon Stuart Longtin	701-237-6063	710 10 <sup>th</sup> St. S Fargo, ND 58103		Monday-Friday morning	Call ahead to make sure someone is there to receive it.
Emergency Food Pantry	Stacie Loegering or Erin Foltz	701-237-9337	1101 4 <sup>th</sup> Ave N Fargo, ND 58102	<a href="mailto:fmfoodpantry@gmail.com">fmfoodpantry@gmail.com</a> ; <a href="mailto:stacie@emergencyfoodpantry.com">stacie@emergencyfoodpantry.com</a>	Monday-Friday 8am-12pm and 1pm-4pm	Come to side door by garage door by the sign that says "Donations"
Salvation Army	Cassidy	701-356-2687	304 Roberts St S Fargo, ND 58102	<a href="mailto:cassidy.belland@usc.salvationarmy.org">cassidy.belland@usc.salvationarmy.org</a>	Monday-Friday 8am-3pm	Go to Back door (westside) downstairs (outside).

<sup>14</sup> Fresh Produce Donation. City of Fargo. <https://www.cityoffargo.com/attachments/2a8bc241-6cbd-4de6-805b-d588b140c010/Fresh%20produce%20donation%20list.pdf>

Great Plains Food Bank/Daily Bread Program	JoAnn Matthews	701-232-6219	1720 3 <sup>rd</sup> Ave N Fargo, ND 58102	<a href="mailto:jmatthews@lssnd.org">jmatthews@lssnd.org</a>	Monday-Thursday 8am-12pm, 1pm-5pm; Friday 8am-12pm	Drop off by the loading dock for receiving.
Gladys Ray	Leah Siewert	701-364-0116	1519 1 <sup>st</sup> Ave S Fargo, ND 58103	<a href="mailto:lsiewert@cityoffargo.com">lsiewert@cityoffargo.com</a>		Call before donating.
Diversity Development		701-412-5525	612 23 <sup>rd</sup> St S Fargo, ND 58103			
Family Worship Center Food Pantry	Melodee Hooper	701-235-0115	1419 17 <sup>th</sup> St S Fargo, ND 58103	<a href="mailto:purfectharmone@aol.com">purfectharmone@aol.com</a>	The 2 <sup>nd</sup> and 4 <sup>th</sup> Mondays around 12pm.	Call ahead for bigger donations.
New Life Center	Julie, head cook	701-235-4453 Ext. 111	1902 3 <sup>rd</sup> Ave N Fargo, ND 58102		Serve meals daily noon and 5pm	Call ahead for bigger donations.
SENDCAA Food Pantry	Bonnie G.	701-232-2452 Ext 123	3233 University Dr S Fargo, ND 58103	<a href="mailto:bonnieg@sendcaa.org">bonnieg@sendcaa.org</a>	By appointment only	Call ahead before donating.
ND Sportsmen Against Hunger	Martha Moe	701-232-2452 Ext 125	various	<a href="mailto:programs@capnd.org">programs@capnd.org</a>	various	See website for certified processors

### South Fargo

FACILITY	CONTACT	PHONE	ADDRESS	EMAIL	DROP OFF TIMES	SPECIAL INSTRUCTIONS
YWCA	Susan Hammel	701-232-3449	3000 University S Fargo, ND 58103	<a href="mailto:shammel@ywcaassday.org">shammel@ywcaassday.org</a>	Monday-Friday 8am-5pm; Saturday-Sunday 3pm-5pm	Front door is locked on the weekends, but the intercom will let you in.

### Moorhead Area

FACILITY	CONTACT	PHONE	ADDRESS	EMAIL	DROP OFF TIMES	SPECIAL INSTRUCTIONS
Dorothy Day Food Pantry	Jim Manly	218-284-8895	1308 Main Ave Moorhead, MN 56560	<a href="mailto:fmddh.foodpantry@702com.net">fmddh.foodpantry@702com.net</a>	Monday/Wednesday 12pm-5pm; Tuesday/Thursday/Friday 9am-12pm	
Permanent Supportive Housing	Kim Fritel	218-284-3250	3048 18 <sup>th</sup> St S Moorhead, MN 56560	<a href="mailto:kfritel@creativecare.org">kfritel@creativecare.org</a>	Monday 9am-12pm, Tuesday 8-10am, Wednesday 8-11am	
Gateway Gardens	Kim Fritel	218-512-3100	1817 1 <sup>st</sup> Ave N Moorhead, MN 56560	<a href="mailto:kfritel@creativecare.org">kfritel@creativecare.org</a>	Wednesday 11am-3:30pm	
River Valley Church	Jack Henrichs	218-233-3875	1716 Central Ave W Dilworth, MN 56529	<a href="mailto:jrichhen@gmail.com">jrichhen@gmail.com</a>		Call before to set up a time.

Churches United for the Homeless	Julio Villamil	218-236- 0372	1901 1 <sup>st</sup> Ave. N. Moorhead, MN 56560	<a href="mailto:jvillamil@churches-united.org">jvillamil@churches-united.org</a>	Weekdays 10-11am, 1- 4pm are best but accepting 7 days per week 8am to 8pm	Call if donating large quantities.
REACH	Melissa Keith	218-483- 3145	421 5 <sup>th</sup> St. Hawley, MN 56549	<a href="mailto:familysupport@ruralenrichment.org">familysupport@ruralenrichment.org</a>	Monday - Thursday 8:30 am-5pm Friday 8:30am - 2pm	
MN DoA Hunter Harvested Venison Donation	Nicole Neeser	651-201-6225	various	<a href="mailto:nicole.neeser@state.mn.us">nicole.neeser@state.mn.us</a>	various	See website for certified processors