

KC SWD Comments

General comments:

We appreciate Ecology's work on this draft rulemaking for the Sustainable Food Management Grant program and recognize its importance in supporting statewide progress on food waste prevention and organics management. We encourage Ecology to consider these recommendations to ensure the rule is equitable, technically feasible, consistent with food recovery hierarchy principles, clear for applicants across Washington, and supportive of measurable outcomes. Below is a summary of our comments with specific examples provided in the table.

- We strongly support Ecology's inclusion of the food recovery hierarchy in the priority criteria. Yet, the grant categories themselves do not consistently reflect food recovery hierarchical tiers. We recommend including language to reflect activities that further emphasize prevention beyond the commercial sector and explicitly include upcycling and feeding animals. Ecology's authority to set additional criteria offers an opportunity to prioritize funding to these kinds of efforts placed higher on the EPA's Wasted Food Scale.
- Additionally, consumer-facing activities are underrepresented. We recommend including language that includes consumer-facing education, data collection, operational design, and behavioral interventions.
- We identified uncertainty regarding whether schools, universities, hospitals, local governments, haulers, places of worship, and commercial establishments fall under "business," "nonprofit," or "edible food generator." We recommend adding cross-referencing language to clarify these definitions and ensure consistent treatment of entities that generate, handle, or redistribute edible food.
- The draft definitions vary from widely adopted frameworks, including ReFED's national food waste terminology. Our comments request Ecology clarify intended use and adopt consistent language that encompasses edible and inedible portions.
- Need for guidance on technical areas such as calculating greenhouse gas reductions and interpreting "costs incurred."
- Identified a need for clearer evaluation criteria and concerns about penalties for past performance or declined awards.
- Multiple editorial and eligibility-related suggestions to ensure clarity, inclusivity, and alignment across grant categories.
- We also support previous input received by Ecology on further exploring coalition applications, we believe a structure that supports joint applications is a great benefit to smaller cities and builds partnerships needed to potentially achieve greater food waste prevention results.

TYPE OF COMMENT	SECTION	PROPOSED RULE	PROPOSED CHANGE	COMMENT
General	173-316-020 Definitions	“Business” means a commercial or public entity including, not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity.		<i>Same definition as HB 1497 therefore does it include schools and governments? Or are schools captured under the definition of “nonprofit” (as discussed in EJ Listening Sessions) or “Edible food generator”?</i>
Technical	173-316-020 Definitions	“Costs incurred” means eligible expenses for goods or services that the recipient has received, used, or performed within the effective dates of the grant agreement, regardless of when the recipient pays for those goods or services.	“Costs incurred” means eligible expenses for goods or services that the recipient has received, used, or performed within the effective dates of the grant agreement, regardless of when the recipient pays for those goods or services. <u>Costs incurred may include staff salaries and benefits.</u>	<i>Request clarification on whether staff salaries and benefits are included in “costs incurred,” given their exclusion from “cash expenditures” in some contexts. Recommend adding language confirming the treatment of staff time, especially since most food waste prevention, education, outreach, and data projects rely heavily on staffing.</i>
Editorial	173-316-020 Definitions	“Edible food generator” means a business or organization that produces, handles, prepares, or sells food and that may have surplus edible food available for use.	“Edible food generator” means ~~a any~~ business, <u>institution</u> , organization, or <u>facility</u> that produces, handles, prepares, <u>serves</u> , or sells food ~~and that may have surplus edible food available for use, including public and private schools, colleges, universities, hospitals,~~	<i>Several sections (e.g. 173-316-200(d), 210(2), 230(2)) inconsistently define “generators.” This risks excluding institutions such as schools, universities, and hospitals, despite being edible food generators.</i>

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			<u>prisons, and government agencies.</u>	
Editorial	173-316-020	“Low-income community” means a community where the proportion of an area’s low-income population is greater than the comparison area (for example, city, county, state).		<i>Is this definition consistent with any other State rules/policies/frameworks? An unintended consequence of this definition may be to direct benefits to communities that are relatively high-income but are classified as “low-income communities” because there are a slightly higher percentage of low-income residents there compared with the rest of the city (e.g. 7% versus 6%).</i>
Editorial	173-316-020 Definitions	“Food waste” means any food or food-derived material that becomes waste during the storage, preparation, cooking, handling, selling, or serving of food for human consumption. Food waste includes both edible and inedible portions of food, such as pits, shells, bones, and peels.	<u>“Food waste” means ~~any food or food-derived material that becomes waste during the storage, preparation, cooking, handling, selling, or serving of food for human consumption.~~ Food waste includes both edible and inedible portions of food, such as pits, shells, bones, and peels.uneaten food and inedible parts (e.g., peels, pits, bones) going to the following waste destinations: composting, anaerobic digestion, landfill, combustion, sewer,</u>	<i>Not consistently defined across different resources, clarification on function of the definition. Recommend adopting the ReFED definition from ReFED US Food Waste Report 2025 for statewide consistency.</i>

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			<u>dumping, spread onto land, or not harvested.</u>	
Editorial	173-316-020 Definitions	“Surplus food” means edible food that would otherwise be discarded by a food business, food facility, or other generator and is suitable for human consumption.	“Surplus food” means ~~edible food that would otherwise be discarded by a food business, food facility, or other generator and is suitable for human consumption.~~ <u>all food that goes unsold or unused by a business or that goes uneaten at home or at restaurants – including food and inedible parts that are donated, fed to livestock animals, repurposed to produce other products, or go to any of the destinations represented in food waste.</u>	<i>Not consistently defined across different resources, clarification on function of the definition. Recommend adopting the ReFED definition from ReFED US Food Waste Report 2025.</i>
Technical	173-316-110 Priority Criteria	(1) The department will allocate grant funding in a manner that achieves the following priorities: (a) Maximize greenhouse gas emission reductions;		<i>Calculating GHG reductions for prevention and rescue can be challenging and technically difficult often requiring specialized models. We seek clarity on whether Ecology will provide; standardized calculators, emissions factors, technical assistance, or state-preferred methodology.</i>
Editorial	173-316-110 Priority Criteria	(1) The department will allocate grant funding in a manner that achieves the following priorities:	(iii) The department will allocate grant funding in a manner that achieves the following priorities:	<i>Make inclusive of the definitions utilized.</i>

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		... (e) Serve highly impacted or low-income communities.	... (e) Serve highly impacted, <u>overburdened communities, vulnerable populations</u> , or low-income communities.	
General	173-316-130 Application Evaluation	(2) The department will further evaluate applications that pass the initial review and may fund all or portions of an application according to: (a) Funding availability, including total requests for each grant category; (b) The extent to which the scope of work proposed in the application serves statutory priorities or priorities identified in program guidelines; (c) The number of requests by the same applicant in the same funding period; (d) An evaluation score that meets or exceeds a level identified in guidelines for that grant category. (e) Application past performance with other grants administered by the department; and (f) Whether there is sufficient detail in the application for the department to evaluate.		<i>Past performance scoring could unintentionally disadvantage applicants with extenuating circumstances, or entities declining an award for legitimate reasons (e.g. staffing capacity, emergent needs). Recommend clarification on evaluation criteria to include when past performance will reduce scores and when declining an award is justified.</i> <i>What is meant by the “department will evaluate...” Does this mean only Ecology staff, or does it include an impartial committee including community representatives?</i>

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General	173-316-140 Allocation of State Financial Assistance	(2) If a recipient fails to comply with the terms of the award or administrative requirements, or declines an award after an official offer, the department may reduce a future award by a percentage determined by the department for failure to meet performance expectations.		<i>Further justification on rationale for this penalty. This could have an unintended consequence on applicants that may have extenuating circumstances and should decline an award.</i>
Editorial	173-316-200 Edible Food Rescue and Prevention	Eligible work under this grant category can include work that prevents pre-consumer food waste from businesses as described under RCW 70A.207.040 (2) (a).	Eligible work under this grant category ~~can include work that prevents pre-consumer food waste from businesses as described under RCW 70A.207.040 (2) (a).~~ <u>includes activities that prevent food from becoming waste across all sectors, including but not limited to businesses, institutions, community organizations, and households.</u>	<i>Suggested edits to expand beyond pre-consumer waste from businesses and include households, institutions, and community organizations.</i> <i>Consider expanding and further clarify the scope of prevention activities. Eligible activities could include: consumer education, storage and handling training, menu planning improvements, inventory management systems, date labeling clarification, behavioral change interventions, ad operational redesign to minimize waste.</i>
Editorial	173-316-210 Safe Food Transport and Supply Chain	(1) Eligible work under this grant category can include but is not limited to improving and reducing	(1) Eligible work under this grant category can include but is not limited to improving and ~~reducing~~	<i>Suggested edit is to clarify the need for increased efficiency not a reduction in the number of trucks.</i>

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	Modernization	transportation of donated foods and management of cold chains across the donated supply chain, including through food rescue organizations.	<u>increasing efficiency of</u> transportation of donated foods and management of cold chains across the donated supply chain, including through food rescue organizations.	
Editorial	173-316-220 Food Access and Waste Reduction Equity	(1) Eligible work under this grant category must include establishing or expanding waste food reduction programs to benefit vulnerable populations.	(1) Eligible work under this grant category must include establishing or expanding waste food reduction programs to benefit vulnerable populations. <u>Programs must prioritize activities that reduce wasted food at the highest tiers of the food waste hierarchy, specifically prevention, rescue, or upcycling, before funding activities focused on lower-tier material processing.</u>	<i>Recommend strengthening the language to prioritize prevention and rescue in the grant category.</i>
Editorial	173-316-220 Food Access and Waste Reduction Equity	(2) Eligible applicants under this grant category include: (a) Local governments; (b) Federally recognized Indian Tribes and federally recognized Indian tribal government entities; (c) Nonprofit organizations; (d) Businesses; and (e) Associations.	(2) Eligible applicants under this grant category include: (a) Local governments; (b) Federally recognized Indian Tribes and federally recognized Indian tribal government entities; (c) Nonprofit organizations; <u>and</u> (d) Business/ <u>commercial establishment</u> ; ~~and~~ (e) ~~Associations~~ .	<i>Suggested edit is to remove “associations” because they are not a defined category and to change to match what is written in the accompanying rulemaking document “Outline of Content Proposed Application Questions”.</i>

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General	173-316-230 Food Waste Reduction Pilots and Data Improvement	(1) Eligible work under this grant category must qualify as a study to reveal the effectiveness of the work in any of the other grant categories or on a case-by-case basis, as approved by the department.	(1) Eligible work under this grant category must qualify as a study to reveal the effectiveness of the work in any of the other grant categories or on a case-by-case basis, as approved by the department. <u>Pilot studies must evaluate or advance higher-tier food waste hierarchy strategies unless the applicant demonstrates such activities are not feasible for the project scope.</u>	<i>Recommend strengthening the language to prioritize prevention and rescue in the grant category.</i> <i>The draft does not clearly state the intended goal of the category, consider clarifying whether pilot studies are expected to inform statewide systems, need to feed into statewide data tracking, or may be limited to project level evaluation.</i>
General	173-316-240 Organics Policy Implementation and Compliance	(2) Eligible applicants under this project-type category include: (a) Local governments; (b) Federally recognized Indian tribes and federally recognized Indian tribal government entities; (c) Nonprofit organizations; (d) Businesses that are subject to organic material management requirements; and (e) organics material management facilities.		<i>Consider inclusion of haulers as major providers of outreach, education, and technical assistance.</i>
General	173-316-240 Organics Policy	(5) Entities not in compliance with the requirements of RCW 70A.205.750 are not		<i>Clarify whether applicants not yet in compliance, but actively working toward compliance may still be</i>

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		eligible to receive funding under this grant category.		<i>eligible, especially local governments working toward bin color requirements.</i>
General	WAC 173-316-200 Edible Food Rescue and Prevention.	(1) Eligible work under this grant category can include work that prevents pre-consumer food waste from businesses ... (3) Activity or related costs eligible under this grant category include: (a) Equipment and infrastructure purchases; (b) Training costs; (c) Costs associated with the development and deployment of operating protocols; and (d) Employee staff time reimbursement.	Eligible work under this grant category can include work that prevents ~~pre-consumer wasted food waste from businesses, donates or upcycles food, or feeds animals or leaves food unharvested.~~ ... (3) Activity or related costs eligible under this grant category include: (a) Equipment and infrastructure purchases; (b) Training costs; (c) Costs associated with the development and deployment of operating protocols; ~~and~~ (d) Employee staff time reimbursement. <u>(e) education; (f) outreach; and (g) technical assistance</u>	<i>The title of this grant category includes “Edible Food Rescue,” though eligible work only includes <u>prevention</u> of pre-consumer food waste and does not explicitly include <u>rescue/donation</u> or upcycling.</i> <i>Also suggesting the addition of education, outreach, and technical assistance to eligible costs. These are eligible costs included in Grant Category “Organics Policy Implementation and Compliance”, but OML implementation does not include prevention or rescue efforts that could be accomplished through this category.</i>