Leftover Food and Ugly Produce: Navigating Scope Creep with the Food Recovery Network

Introduction

Not many people can say that their first job out of college was as the Executive Director of a nonprofit organization they founded as a 19-year-old. Even less can say they were managing multi-thousand-dollar grant contracts as part of that role before they even graduated. And *even less* can say that their organization lost out on millions of dollars because of a single decision. While not true for many, this is true for Ben Simon, the founder and former Executive Director of the Food Recovery Network (FRN), a student-led organization on a mission to fight food waste and feed people.

Years before FRN was even an idea on his mind, Simon's social impact journey began. In high school he got involved with the Montgomery County, Maryland chapter of the Genocide Prevention Network (GPN), a nationwide student movement protesting the genocide in Darfur. These local chapters facilitated the grassroots work of the campaign. For example, the advocacy from Simon's Montgomery County chapter led to the passing of legislation which required the divestment of all county pensions from any company supporting the Darfur genocide.[1] When Simon graduated and began his freshman year as a political science major at the University of Maryland (UMD) in 2008, he started his own venture called the Love Movement, a self-described "cross between a community service club, a social action club, and a party."[2] The goal was to support social causes by coordinating large-scale volunteering or fundraising events that both served as a form of entertainment for college students and resulted in a major impact for the cause they were supporting.

Clearly, Simon had an entrepreneurial spirit that was uniquely attuned to searching for ways to have an impact on the community around him. So when he showed up to the dining hall one night during his sophomore year and saw trays of perfectly good pizzas and chicken tenders being thrown away, he sensed an opportunity. There were people who could benefit from that food, if only they had access. Feeling inspired, Simon met with Colleen Wright-Riva, head of UMD Dining Services, to see if he could do something about it.

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[1] https://www.youtube.com/watch?v=y1iTpTQJfmk
[2] Ibid.

Unknown to Simon, another UMD student had already approached Wright-Riva a few weeks prior with the same idea. Evan Ponchick, a junior, had recently begun serving with So Others Might Eat (SOME), a DC-based nonprofit providing services to those in need, and when he too noticed trays of good food going to waste, saw an immediate solution to a problem SOME's clients often faced: hunger and food insecurity. If UMD would approve it, Ponchick wanted to bring together students to package up this food when the dining halls closed and deliver it to local nonprofit organizations like SOME to distribute to their patrons. This model, called "food recovery", was already being implemented at other universities around the US, including Stanford University and Pomona College. Following their lead, Ponchick gained Wright-Riva's approval to begin recovering this food and began recruiting volunteer students to recover food on Friday nights.

When Simon and Ponchick met, it was clear that Simon could solve a real need of Ponchick's if he wanted to expand his impact: a ready and active volunteer base. Simon's leadership of the Love Movement meant he could bring in its members to take on additional nights of food recovery, massively amplifying FRN's impact. These students were already interested in social impact and organized under their own leadership structure, so all they needed were the materials to pack up the food and a couple students with cars to drive them to the local nonprofits. Observing the ready adaptability of Simon's club to volunteering with FRN, Simon and Ponchick realized the potential in this approach and began recruiting other clubs and organizations on campus to take on their own nights of food recovery. Many of these groups, such as fraternities or religious organizations, had volunteer requirements for their members, and thus were eager to jump into FRN's simple process. Soon there were recoveries happening at dining halls and sporting events all over campus, most nights a week. Volunteers unaffiliated with another organization on campus also began volunteering with FRN directly, helping to coordinate with the nonprofit partners and ensuring students showed up at the correct dining halls on the correct nights.

This organization-based volunteer model was already novel in itself, but Simon was a young entrepreneur, hungry to make an impact; UMD had never been the final goal. Rather, Simon saw a gap in the food recovery space, namely that while other universities and organizations were coordinating food recoveries like his team was at UMD, all that work was being done individually. He wanted FRN to fill that gap, launching chapters of students engaged in food recovery around the country, exactly like the Montgomery County chapter of the GPN that he joined in high school.

Simon called it harnessing the "potential energy of social change," where a simple conversation with students at a new partner university could lead to thousands of pounds of food being rescued if those students launched an FRN chapter. Over time, Simon wanted to build the network into a *movement* of young people taking on the challenge of hunger around the US. To begin building this movement, Simon connected with students leading food recoveries at Brown University, Pomona College, and UC Berkeley, and together with UMD, the four universities became the official founding four chapters of the Food Recovery Network in 2012. To capitalize on the growing interest in food recoveries, students from each university came together in an informal leadership council to clear the pathway to launch for future chapters. As a council, they developed a toolkit of materials explaining the process for establishing a chapter and coordinated efforts to reach out to friends at other universities. The group also began forming the connections necessary to partner with food- and education-focused foundations to create an emergency fund for any required materials a chapter might need, such as aluminum trays or serving supplies. Soon, the media began taking note of the budding organization, and the resulting publicity brought on a wave of new chapter applications to the FRN executive team.

As the number of chapters began to grow, so did the need for increased capacity. At this point, all of the organization's leadership were full-time students, part-time FRN volunteers; making time for the administrative work of running a nation-wide nonprofit amidst classes and commitments was difficult. Further, many of the founding coordinating committee was graduating, which meant the organization needed to figure out how to maintain long-term consistency with short-term volunteers. The solution was hiring a full-time, salaried staff based in FRN's new official office space in College Park, who could continue to check in with student chapters consistently throughout the year and manage all administrative overhead needs. The team and office space was largely funded by a two-year, $300,000 grant from the Sodexo Foundation,[3] secured in 2013 through intentional relationship-building and networking from FRN's board members. It was an exciting step for the growing organization, but also the beginning of a never-ending fundraising campaign.

Understanding the Challenge of Food Waste

It wasn't entirely the founders' youthful optimism or ability to speak to a news audience that led to FRN's success. The network came into being in a moment in time where the concepts of food waste and food recovery were becoming part of the common language in the United States.

The concept originated in the late 1960s, when Phoenix local John van Hengel noticed the large amount of surplus food being thrown away by grocery stores. Discussing the topic with

[3] "End of Year Report: 2013-2014." Food Recovery Network, 2014. static1.squarespace.com/static/555b5cf1e4b0864ccf1a0156/t/55eeeb96e4b0c3a650712a17/1441721238837/End+of+Year+Report+2013-2014+final.pdf.

members at his church, the group decided that he'd be given access to an abandoned bakery the church owned to store and distribute these goods to those in need.[4] Within his first year, Hengel and his team distributed 250,000 pounds of food. From there, hundreds of other organizations began implementing Hengel's model, and soon food banks were opening around the country. To further the momentum started by Hengel, President Clinton passed the Good Samaritan Food Donation Act in 1996 with the goal of "[encouraging] the donation of food and grocery products to nonprofit organizations for distribution to needy individuals."[5] A one-page description of this act was the first item created for FRN's chapter toolkits as a way for chapter members to speak with their university dining directors and explain the importance and, importantly, the legality of recovery.

As food donation became a regulated and encouraged operation around the country, the conversation surrounding food waste also began to grow. In 2011, the UN Food and Agriculture Organization reported that nearly one-third of the food supply meant for human consumption ended up either lost or wasted.[6] The Natural Resources Defense Council released a similar report in 2012 outlining all of the parts of the food creation and processing cycle where food is wasted, noting that getting food to the dinner table takes up 10% of the US energy budget, uses 50% of US land, and makes up 80% of US freshwater consumption, while 40% of that food is wasted annually.[7] A renewed focus was placed on addressing the impacts of food loss and food waste worldwide, so when the UN established its Sustainable Development Goals in 2012, it granted number 12.3 to "halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses."[8]

Thus, the concepts of food waste and food recovery were becoming increasingly normalized in global conversation, particularly within the US, right as FRN was getting off the ground. This growing awareness of the challenge of food waste, coupled with the almost limitless number of students who could get involved with FRN, created a sense of "swimming downstream," as Ben Chesler, FRN cofounder and first lead of the Brown University chapter, noted. While there was much hard work behind the scenes, things kept clicking into place to further their impact, which built a strong confidence amongst the team in their mission and their inevitable success.

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[4] Martin, Douglas. "John van Hengel, 83, Dies; Set Up First Food Bank in U.S." New York Times, 8 October 2005. www.nytimes.com/2005/10/08/us/john-van-hengel-83-dies-set-up-first-food-bank-in-us.html.

[5] "BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT." Congress.gov.

[6] "Global Food Losses and Food Waste." Food and Agriculture Organization of the United Nations.

[7] "Wasted: How America Is Losing Up to 40 Percent of Its Food from Farm to Fork to Landfill." NRDC.

[8] "Target 12.3: Food Loss & Waste." UN SDG Hub.

Youth-Driven Innovation and Earned Income Models

While food waste and food recovery were becoming increasingly normalized in nationwide conversation, another cultural shift was taking place within the US. The advent of Facebook, Twitter, and other newfangled social media platforms, all launched by young, risk-taking entrepreneurs, had upended society's traditional views of business leadership. Cam Pascual, FRN founder and volunteer coordinator, described the time period as incredibly transformative; there was suddenly a "societal openness to innovation from young people and openness to the possibility that college students and young people [could] do transformative things…it felt like we could do that."

Back at FRN's home base in College Park, two new innovations were underway in 2014 to address the organization's ever-present obstacle: money. Maintaining chapters around the country was expensive; what had started as a volunteer-run, small-scale student club had grown into a national nonprofit organization with a growing cadre of employees and a physical office in College Park. This infrastructure and these employees were essential in order for FRN to continue growing, but it was all largely paid for through grants fundraised by the core FRN team. As with any organization that relies on grant funding, there was uncertainty in this approach; should a grant run out or a funder pull their support, the organization would be massively impacted. Thus, FRN leadership wanted to see if they could find ways to cover costs at both the organization and chapter levels.

At the organizational level, the first innovation was with the Food Recovery Certified Program. Leveraging the partnerships built with their corporate funders in the food sustainability and food service industries, through this program, FRN would recognize businesses that recovered their surplus food and granted it to people in need. The benefit for the recognized organization was twofold: first, a public recognition of their commitment to food recovery, and second, a potential to receive tax benefits for their contribution to the community. This was FRN's first foray into non-student-driven recovery models, and the innovation was met with quick success. In its first year, FRN recognized over 60 businesses nationwide, including Starbucks, Google, and the Bill and Melinda Gates Foundation.[9]

At the chapter level, the second innovation was with the Recovered Food Community Supported Agriculture (CSA) program. The initiative was spearheaded by Evan Lutz, an "earned income coordinator" intern with FRN from the business school at UMD. Lutz had formed a relationship with local farms in Montgomery County, and noticed that there was often leftover

[9] "End of Year Report: 2014-2015." Food Recovery Network, 2015. static1.squarespace.com/static/555b5cf1e4b0864ccf1a0156/t/55b10000e4b0139ea1336b07/1437663232397/2014-2015+Annual+Report.pdf.

produce after the harvest was complete. These fruits and vegetables were otherwise safe to eat, but had physical deformities that made them unfit for sale in the grocery store. Recognizing an opportunity, Lutz coordinated a group of students to recover this produce, which they then sold at the UMD farmers market for $5 per five pound bag. For every bag purchased by students, another was donated to families in need in Washington, DC, in line with FRN's mission to reduce waste and hunger simultaneously. In the 2013-2014 school year, the CSA recovered 7,000 pounds of produce and generated almost $6,500 in revenue for FRN, evidence that there *could* be a sustainable business model around selling recovered food.[10]

The Challenge of Scope Creep

At this point, three years since Simon first noticed food waste in the dining hall and two years after FRN first launched at UMD, it felt as though everything had fallen into place with FRN. The organization had officially gained 501(c)(3) status and hired multiple employees in College Park, was growing their institutional partnerships with leaders in the food industry, was receiving more chapter applications than they could take on, and had cultivated an infectious, innovative team culture that allowed chapters to scale their impact as they saw fit. In a way, FRN felt much like a Silicon Valley-esque start-up, following in the footsteps of entrepreneurs like Zuckerberg and Dorsey.

Yet, as those start-up founders will also note, it is important to stay focused on one's "MVP", or minimum viable product: your product (food recovery in this case) in its most simple form, advancing the maximum amount of impact possible. And at this point, just over two years into FRN's existence, they were focused on many MVPs. As Pascual put it simply, "we were doing everything all at once."

Their board agreed. Made up of leaders in the nonprofit, business, and food service sectors, the FRN board was tasked with keeping the young entrepreneurs focused on their mission, and it was clear that the CSA, while a potentially successful revenue model, was drawing too much time away from that mission. Further, once the CSA was a proven revenue stream for the organization, it would take much time to deploy this model out to their nationwide chapters and get each up-to-speed with the relevant connections to local farmers and the necessary infrastructure to recover produce. The certification program, on the other hand, was easier to scale and much more cost effective. Once a company was certified, they paid their annual verification fee and did not need extra management until the following year. For a much smaller

[10] "End of Year Report: 2013-2014." Food Recovery Network, 2014. static1.squarespace.com/static/555b5cf1e4b0864ccf1a0156/t/55eeeb96e4b0c3a650712a17/1441721238837/End+of+Year+Report+2013-2014+final.pdf.

amount of labor from the national FRN team, there was a much higher monetary return, which could quickly be put to use within the organization. Ultimately, the board said that Simon and his executive team needed to focus on their proven recovery model - their MVP - and finding resources to allow for its expansion, while the chapters themselves could work on incubating new models of recovery like the CSA.

Thus, the team decided to shut down the CSA and focus just on the existing recovery model and Food Recovery Certified Program. While a smart decision at the time, Simon reflected that it was “hard to let that go” given his excitement about the idea and the potential his team saw in its success. Rather than be discouraged, though, Lutz saw an opportunity. He asked Simon if he could spin the idea out of FRN and run it as a separate entity, turning it from a nonprofit into a for-profit business following his graduation from UMD. Simon agreed, and Lutz soon renamed the CSA to Hungry Harvest and began expanding its reach in neighboring counties.

For avid Shark Tank fans, the name Hungry Harvest might sound familiar. In late 2015, just a year after changing its name, Lutz competed on the show for the company, telling the sharks about the impact he’d generated with his “ugly produce” delivery service. The pitch was impactful; he left the show with a deal with shark Robert Herjavec for $100,000 for 10% equity, which launched the organization into success.[11] To date, the company has rescued over 27 million pounds of produce and provided over 1.7 million pounds of produce to those in need along the Eastern Shore.[12] Critically, it has also generated tens of millions of dollars in revenue for the start-up, capital that FRN could have had access to had they taken Simon’s offer to own half the company when Lutz spun it out.

Regardless, Simon acknowledged this missed opportunity, but expressed trust in the board’s decision. “At the time, it just felt like this does not belong, this was scope creep for [our] mission,” a tough lesson in the strategic decision-making required in owning a business.

Conclusion

Ultimately, it would be this experience with the CSA that would lead to Simon’s exit from FRN. He had learned much about the scale of wasted produce through his time working on the CSA project, and knew there was a business opportunity there. Simultaneously, he had spent the past three years pouring his time into FRN and had brought it to a place where it was a streamlined, fully functioning organization. He was ready for a new challenge. So, during Chesler’s senior year at Brown, Simon went to his doorstep, held up a gigantic sweet potato, and

[11] Shark Tank, Season 7, Episode 13.
[12] “Feel-good, do-good grocery.” Hungry Harvest, https://hungryharvest.net/. Accessed 30 May 2025.

pitched the concept for what would eventually become their own ugly produce company, Imperfect Produce.[13]

In 2015, Simon officially stepped down as Executive Director of FRN and moved into a board position, while newly-hired Regina Harmon stepped in as the new ED. While expanding the numbers of university chapters within the organization, Harmon also focused on expanding the Food Recovery Certified program. In 2017, the program transitioned into the Food Recovery Verified (FRV) program, with the following requirements to earn verification: a business must recover food once a month, donate recovered food to a 501(c)(3) nonprofit organization, and pay the annual verification fee. It is this fee that allows the FRV program to be a successful earned income model for FRN, contributing to about 4% of the organization's total revenue in 2017.[14] While the majority of the organization's funds continue to be grant based, with 85% of the 2017 revenue coming from this revenue stream, it is valuable that the organization continues to grow its own sources of funding.

[13] Imperfect Foods.

[14] "End of Year Report: 2016-2017." Food Recovery Network, 2017. static1.squarespace.com/static/555b5cf1e4b0864ccf1a0156/t/5a3c1e7c71c10b9c1ace75f3/1513889441697/FY+17+Annual+Report.

Appendix A

Topics Covered In FRN Toolkit Guide on Food Recovery

The following outlines the table of contents of topics covered in FRN's guide for new or existing organizations to advance and optimize their food recovery operations. The full guide is available at https://www.foodrecoverynetwork.org/food-recovery-resources.

Appendix B

FRN Bill Emerson Good Samaritan Act Breakdown

As mentioned in the case study as one of FRN's original resources, the following includes analysis and discussion from the organization on the U.S. bill regarding its relevance in food recovery operations. Full version of the explanatory document can be found at: https://drive.google.com/file/d/0B4q0lbHwz7OlTGhDQzdMeXE4Wlk/view?resourcekey=0-EnhI9Hqq-nAdEaHZtaaGWQ.

The Federal Bill Emerson Good Samaritan Food Donation Act

On October 1, 1996, President Clinton signed this act to encourage donation of food and grocery products to non-profit organizations for distribution to individuals in need.

This law:

- Protects you from liability when you donate to a non-profit organization;
- Protects you from civil and criminal liability should the product donated in good faith later cause harm to the recipient;
- Standardizes donor liability exposure. You or your legal counsel do not need to investigate liability laws in 50 states; and
- Sets a floor of "gross negligence" or intentional misconduct for persons who donate grocery products. According to the new law, gross negligence is defined as "voluntary and conscious conduct by a person with knowledge (at the time of conduct) that the conduct is likely to be harmful to the health or well-being of another person."

Credit: this document was adapted from FeedingAmerica.org

The text of the bill itself follows:
The Bill Emerson Food Donation Act
One Hundred Fourth Congress of the United States of America
At the Second Session
Begun and held at the City of Washington on Wednesday, the third day of January, one thousand nine hundred and ninety-six.
An Act
To encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law.
Be it enacted by the Senate and House of Representatives of the United States of America in

Congress assembled,
Section 1. CONVERSION TO PERMANENT LAW OD MODEL GOOD SAMARITAN FOOD DONATION
ACT AND TRANSFER OF THAT ACT TO CHILD NUTRITION ACT OF 1966.
(a) Conversion to Permanent Law. -- Title IV of the National and Community Service Act of 1990 is amended --
1. by striking the title heading and sections 401 and 403 (42 U.S.C. 12671 and 12673); and
2. in section 402 (42 U.S.C. 12672) --
(A) in the section heading, by striking “model” and inserting “bill emerson”
(B) in subsection (a), by striking “Good Samaritan” and inserting “Bill Emerson Good Samaritan:”
(C) in subsection (b)(7), to read as follows:
“(7) GROSS NEGLIGENCE. -- The term ‘gross negligence’ means voluntary and conscious conduct (including a failure to act) by a person who, at the time of the conduct, knew that the conduct was likely to be harmful to the health or well-being of another person.”;
(D) by striking subsection (c) and inserting the following:
“(c) LIABILITY FOR DAMAGES FROM DONATED FOOD AND GROCERY PRODUCTS.
“(1) LIABILITY OF PERSON OR GLEANER. -- A person or gleaner shall not be subject to civil or
criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals.

“(2) LIABILITY OF NONPROFIT ORGANIZATION. -- A nonprofit organization shall not be subject
to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the nonprofit organization received as a donation in good faith from a person or gleaner for ultimate distribution to needy individuals.
“(3) EXCEPTION. -- Paragraphs (1) and (2) shall not apply to an injury to or death of an ultimate
user or recipient of the food or grocery product that results from an act or omission of the person, gleaner or nonprofit organization, as applicable, constituting gross negligence or intentional misconduct.”; and
(E) in subsection (f), by adding at the end the following: “Nothing in this section shall be construed to supersede State or local health regulations.”.
(b) TRANSFER TO CHILD NUTRITION ACT OF 1966. -- Section 402 of the National and Community Service Act of 1990 (42 U.S.C. 12762) (as amended by subsection (a))
1. is transferred from the National and Community Service Act of 1990 to the Child Nutrition

Act of 1966;
2. is redesignated as section 22 of the Child Nutrition Act of 1966; and
3. is added at the end of such Act.
(c) CONFORMING AMENDMENT. -- The table of contents for the National and Community Service Act of 1990 is amended by striking the items relating to title IV.
Newt Gingrich
Speaker of the House of Representatives
Strom Thurmond
President of the Senate Pro Tempore
Approved 10/01/96
William J. Clinton
President of the United States
P.L. 104-210

Food Recovery Network Case Study Lesson Plan

Synopsis

This case study explores the challenge of scope creep faced in nonprofit organizations by examining a critical decision the Food Recovery Network (FRN) had to make early on in their existence. FRN, a student-led nonprofit organization on a mission to recover food waste and deliver it to those in need, began exploring two different earned income models in early 2014 to help mitigate their growing costs, but soon realized that sustaining both models would not be feasible. After consulting with their board, they decided to move forward with only one model. This decision would cost the young organization access to millions of dollars, but its founders do not regret their choice.

The case is designed to encourage students to consider that decisionmaking process, focusing intentionally on an organization's core mission versus expanding on its mandate. Ultimately, students should leave the case study and associated discussion with a strong understanding of mission and product/service alignment, the stakeholders who should be consulted in the decisionmaking process, and the power of innovation in a nonprofit.

Guiding Question

> How can/should young founders balance innovation and strategic decisionmaking to avoid scope creep when developing a nonprofit organization?

Learning Objectives

By the end of the case study,

1. Students will consider the strategic questions around building an earned income model for a nonprofit organization, while balancing the organization's core mission.
2. Students will be able to articulate the idea of an MVP, or minimum viable product, and how it relates to mission alignment in a nonprofit.

3. Students will discuss the role and/or importance of innovation in building a nonprofit.

Discussion Questions

Organizational Modeling

1. What societal factors influenced FRN's approach to defining their mission and managing their organization?
2. How did FRN go about building earned income models? Why did they feel they needed to do this?
3. What is scope creep and why is it important for nonprofits to keep in mind?
    a. Why did FRN make the decision to keep one income model and not the other? Do you agree with this decision?
    b. Knowing what we know now about the success of Hungry Harvest, do you think they made the right decision?

Assessing Innovation & Impact

4. What role did the age and/or perspective of FRN's founders play in the strategic decisions they made? How about the board members?
    a. What role did the social environment of the time period play in these decisions?
5. What makes FRN a University of Maryland success story?

Introductory Activity

Put yourselves in the shoes of the Food Recovery Network board when deciding to move away from the Recovered Food CSA. What factors are you considering in this decision? What about the current state of FRN's growth is important to prioritize? Would you change your decision knowing that the CSA would go on to be a great success?

- Option here to split the class into two groups: one in favor of keeping the CSA, and one against, and see where the discussion leads.

Additional Resources

- What Happens When Nonprofit Business Plans Stray from an Organization’s Mission?
- Broad versus narrow organizational scope among nonprofits: The moderating effects of the task environment