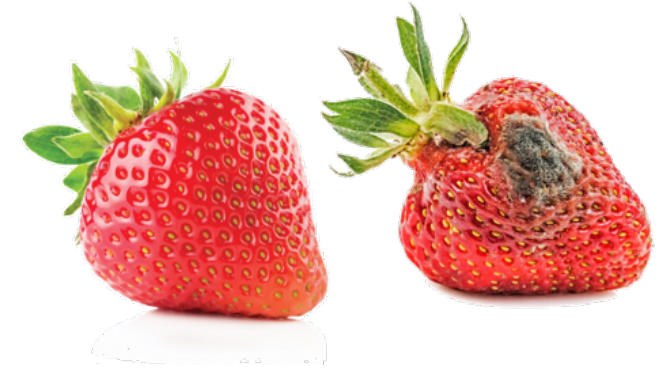




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# **NYS Food Donation & Food Scraps Recycling Law**

Molly Trembley, P.E.

Organics Reduction and Recycling Section, Division of Materials Management

**May 27, 2021**

## NYS Department of Environmental Conservation **Organics Reduction & Recycling Section**

Regulate and promote the diversion of organics (wasted food, yard waste, biosolids, food processing waste, etc.) from disposal to beneficial uses.

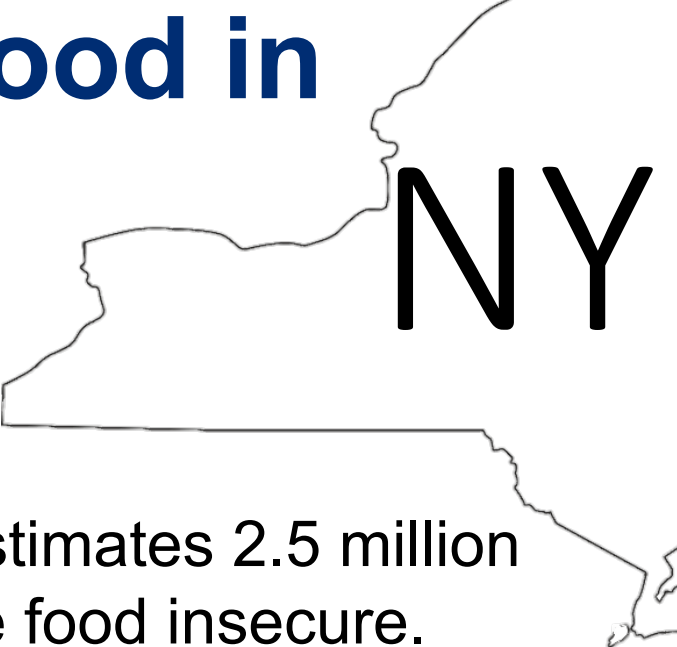
- Regulatory Oversight
- Legislation
- Funding Programs
- Outreach & Education

The Organics Reduction & Recycling Team

- Sally Rowland (Section Chief)
- Kristine Ellsworth
- Nasibah Elmi
- Chris Glander
- Gary Feinland
- Molly Trembley



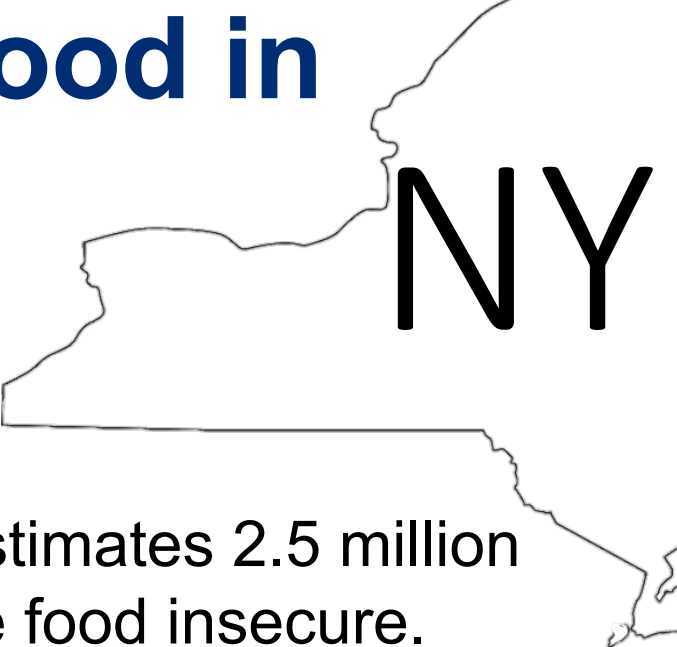
# Wasted food in



# NY

Feeding America estimates 2.5 million  
New Yorkers are food insecure.

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Meanwhile,  
NRDC estimates that 40% of food in the  
United States goes uneaten  
30% of NYS municipal solid waste  
stream is comprised of organics, 18.5%  
of that is food waste!

# NYS generates 3.2 million tons of food scraps annually!



## FOOD WASTE



## LANDFILL



FOOD  
DONATION

ANIMAL  
FEED

ANAEROBIC  
DIGESTION

COMPOSTING

LAND  
APPLICATION

OTHER  
PROCESSING



# Food Donation and Food Scraps Recycling Law

Effective January 1, 2022, businesses that generate an annual average of two tons of wasted food per week or more must...

1. donate excess edible food; and
2. recycle all remaining food scraps if they are within 25 miles of an organics recycler (composting facility, anaerobic digester, etc.).

[DEC webpage on the Food Donation & Food Scraps Recycling Law](#)

[Sign up to receive announcements on the NYS Food Donation & Food Scraps Recycling law](#)



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# Designated Food Scraps Generators (DFSG)

- Businesses that generate  $\geq 2$  tons per week (annual average) at a single location.
- For multiple small entities (mall or college campus) – depends on who contracts for waste management.

## Exclusions:

- Hospitals
- Nursing Homes
- Adult Care Facilities
- Elementary and secondary schools
- New York City ([local law 146](#))
- Generators serviced by a mixed waste recycler (Delaware County)
- Farms



# Designated Food Scraps Generator Metrics

Food Industry Sector	Minimum # of Employees To Generate A Minimum of 2 tons/week of wasted food
Food Wholesale and Food Distribution	9 employees
Food Retail	69 employees
Supercenters/Big Box Stores	208 employees
Colleges (Residential / Non-Residential)	1,465 students / 5,474 students
Hospitality	105 employees
Correctional Institutes (County Jails / State)	570 inmates / 877 inmates
Restaurant (Full Service / Limited Service)	69 employees / 94 employees

Note: This is not a complete list or the final metrics



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# Preliminary Business Analysis

Sector	Number of Establishments
College & Universities	84
Correction Facilities & Jails	31
Hospitality	75
Restaurants (Limited & Full Service)	230
Grocery & Specialty Food	400
Supercenters	75
Wholesale & Distribution	350
Approximate Total	1,245

Note: Some of these establishments already have robust donation programs, are recycling their food scraps, employing waste reduction initiatives, etc.

Disclaimer: This is a preliminary assessment and subject to change.



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# Preliminary Business Analysis Continued

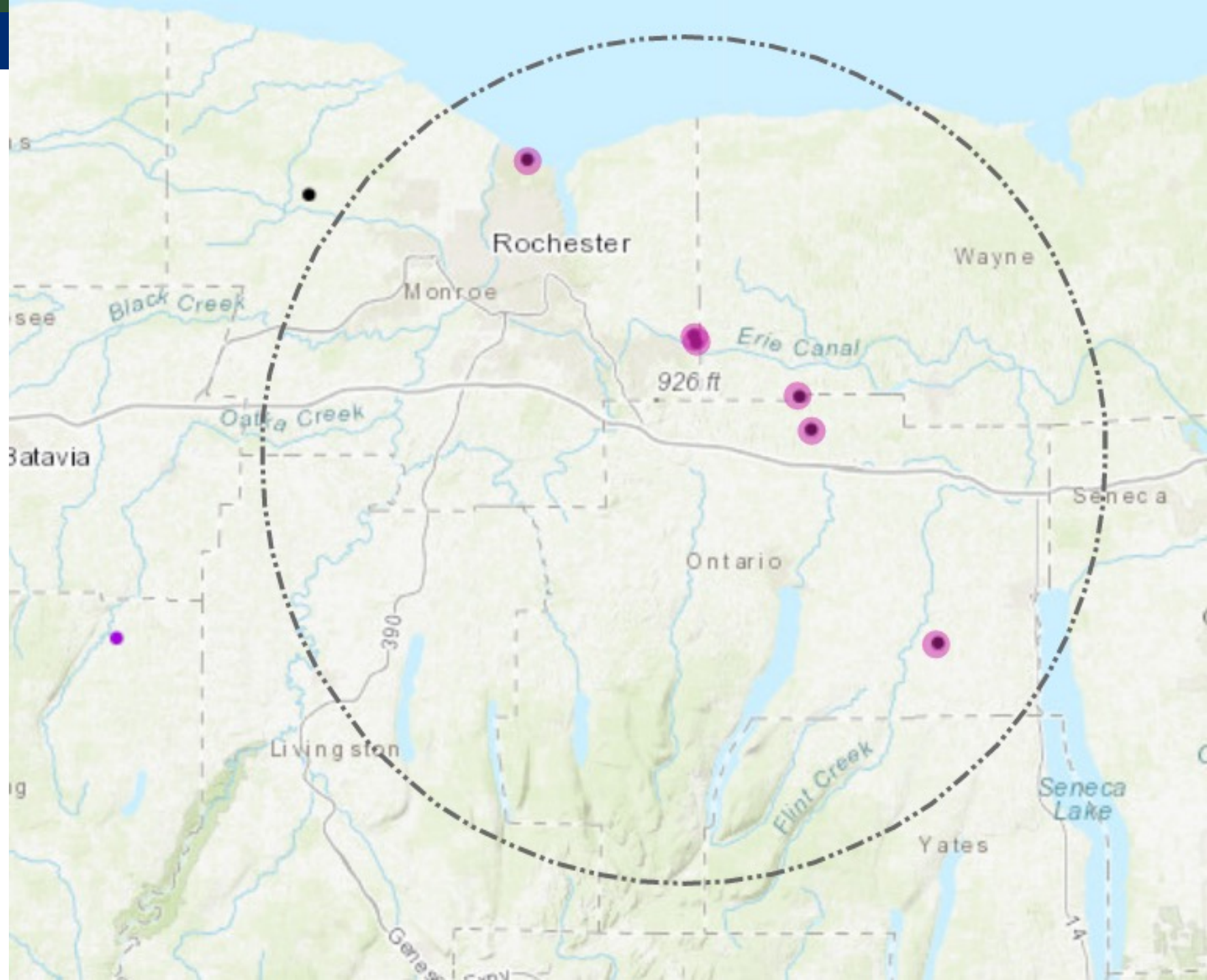
Other Businesses DEC is looking at:

- Food Processors
- Malls
- Convention & Trade Shows
- Casinos & Racetracks
- Amusement & Theme Parks
- Sporting Venues
- Golf Courses
- Airports
- Zoos & Aquariums



# Food Scraps Recycling Facilities within 25 miles of a point southeast of Rochester

[NYSP21 Organics  
Resource Locator](#)



# DEC developed new regulations

## Part 350

**New** regulations used to implement the Food Donation and Food Scraps Recycling Law.

Public Comment Period  
Closed April 27, 2021

## Part 361

**Existing** regulations covering the permitting and operation of solid waste management facilities (organics recycling).

No changes made.



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# Part 350 Regulations

- 350-1: General
- 350-2: Designated Food Scraps Generators
- 350-3: Generators, Organics Recyclers, and Transporters Lists
- 350-4: Transporter and Solid Waste Management Facility Responsibilities



# DFSG Waiver Process

## Temporary Waiver

- Prove undue hardship
- No longer than 1 year in duration, can be renewed
- Form posted to DEC website June 1, 2021
- Submit to [FoodScrapsLaw@dec.ny.gov](mailto:FoodScrapsLaw@dec.ny.gov) by October 1, 2021 for 2022 reporting year

# Waiver Process - Justifications

- ☐ Generator does not produce more than 2 tons of food scraps per week (annual average)
- ☐ The total cost of organics recycling is at least 10% greater than the total cost of landfilling or combustion
- ☐ There are no organics recycler(s) within 25 miles with sufficient capacity
- ☐ A food scraps transporter is not available to service the generator
- ☐ Unique circumstances that apply to the generator

# Food Donation Efforts

- NYS Food Donation Working Group
  - Reviewed proposed Part 350 Regulations
  - Reviewed food donation guidance for businesses
  - Planning Fall Webinar: Setting up a Food Donation Program
- Working with NYS Department of Health and NYS Department of Agriculture & Markets on consistent regulatory enforcement



# Partnering with Feeding New York State

## Funding, Outreach, and Collaboration

- \$1.5 million COVID-19 relief funding
- **NEW** - \$500,000 *Donation Technical Assistance for Businesses*
  - Manage a call center for information on donating
  - Educate on proper food safety practices when donating food
  - Enhance connection between businesses, food banks, and other emergency food relief programs

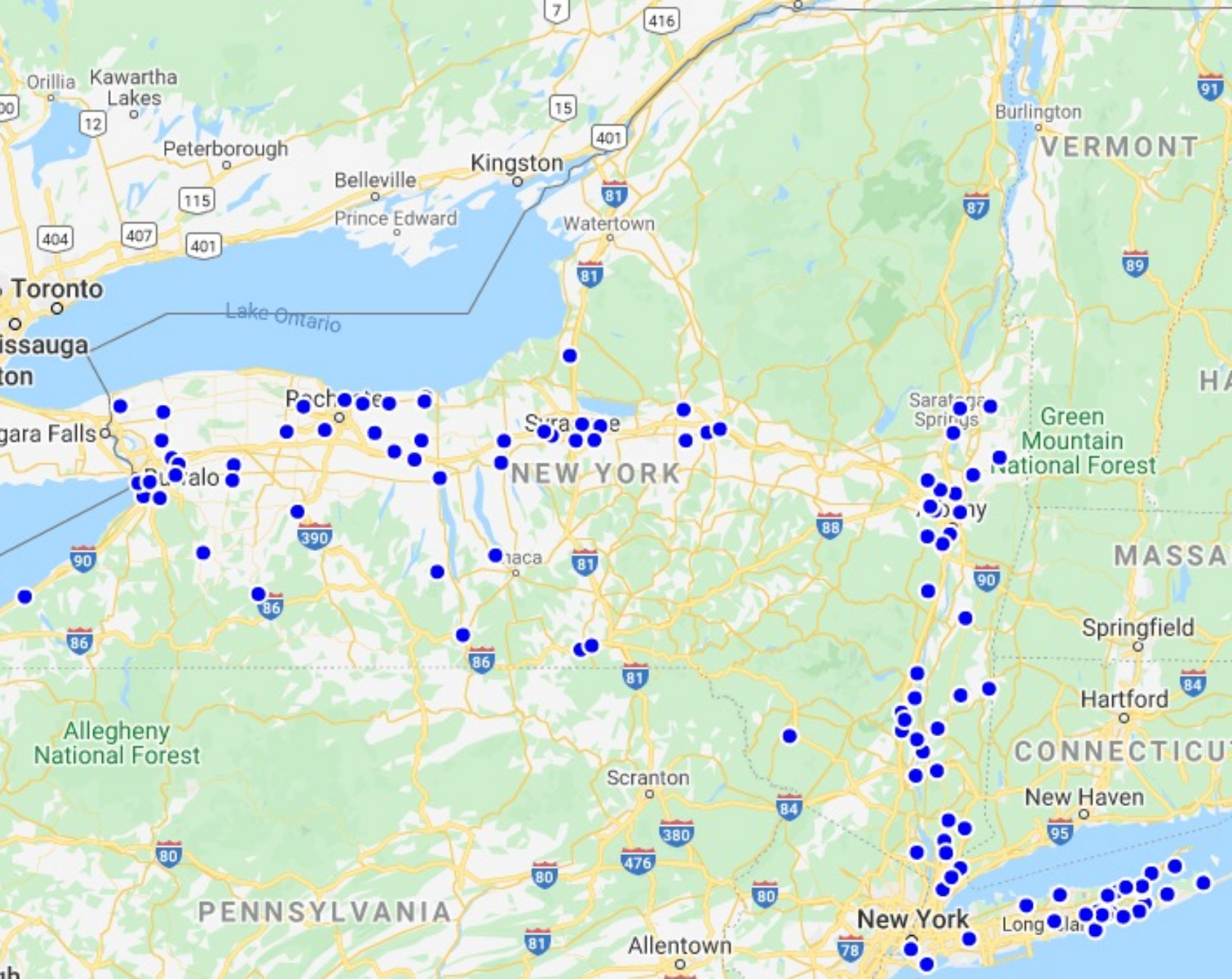


# A Look at the Organics Recycling Community in New York State

Goal: Build a strong organics recycling network at all levels

- Home Composting, Community Composting, Farm Composting & AD, Animal Feed, Micro-Haulers, Large Haulers, Medium and Large sized organics recycling operations, etc.
- Building a web of solutions





# Composting in NYS

- Regulated by DEC
- Currently ~60 regulated facilities allowed to accept food scraps



# Anaerobic Digestion in NYS

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- Regulated by DEC
  - Part 360 Solid Waste Program
  - Concentrated Animal Feeding Operation (CAFO) program
  - Water Resource Recovery Facilities (WRRF)
- Five Permitted Part 360 Anaerobic Digesters
- A number of digesters located on CAFOs
- ~130 ADs at WRRFs





# Food Scraps Recyclers List

As a resource for businesses, DEC will publish a list of food scraps recyclers by county.

Mapping Tools: Organics Recycling Facilities Across the State

- [NYS Organics Resource Locator](#)
- [NYS Open Data Composting - Solid Waste Management Facilities Map](#)



Town of Bethlehem Composting Facility



# Food Scraps Transporters List

- As a resource for businesses, DEC will publish a list of available food scraps transporters by county.
- [Add your transporter business to the list](#)
- [Guidance for Food Scraps Transporters \(PDF\)](#)



# Outreach

- Letters mailed to designated food scraps generators June 1st
- Developing outreach plan for exempt entities
- DEC available to speak to associations, corporations and businesses on the requirements of the law – please contact [FoodScrapsLaw@dec.ny.gov](mailto:FoodScrapsLaw@dec.ny.gov)
- Upcoming Webinars
  - June 22, 2021: Your Business is Required to Comply, Now What?
  - July 2021: Building Food Scraps Recycling Capacity
  - October 2021: How to Set Up a Food Donation Program
  - October 2021: How to Set Up a Food Scraps Recycling Program



# Guidance Documents

- Food retail & food service industry: Best management practices for wasted food reduction, food donation, and food scraps recycling to demonstrate compliance with the law – *coming soon*
- [Food Scraps Transporters \(PDF\)](#)
- [Transfer Facilities \(PDF\)](#)
- [Landfills \(PDF\)](#)
- [Combustion Facilities \(PDF\)](#)

## NYS Food Donation and Food Scraps Recycling Law

### Guidance for Food Scraps Transporters

#### OVERVIEW OF NYS FOOD DONATION & FOOD SCRAPS RECYCLING LAW

Beginning January 1, 2022 the [New York State Food Donation and Food Scraps Recycling Law](#) requires designated food scraps generators to donate edible food and recycle food scraps if a organics recycler exists within 25 miles. A designated food scraps generator (DFSG) produces at least 2 tons of food scraps per week. The Law also contains requirements for food scraps transporters, transfer facilities and other intermediaries, combustion facilities, and landfills.

#### EXAMPLES OF DESIGNATED FOOD SCRAPS GENERATORS (DFSG)

DFSG include, but are not limited to:

- Grocery Stores
- Restaurants
- Colleges
- Hotels
- Sport Arenas
- Venue Centers
- Etc.

**This law does not include** businesses within New York City ([local law 146](#) already in place), hospitals, nursing homes, adult care facilities and K-12 schools.

#### HOW TO IDENTIFY A DFSG IN YOUR SERVICE AREA

DEC will publish a list of DFSGs by June 1, 2021 and will be [available on the DEC website](#).

#### TRANSPORTER RESPONSIBILITIES UNDER THE LAW

If you are a transporter that collects food scraps from a DFSG (that does not have a waiver), you must deliver the food scraps to an organics recycler (composting facility, anaerobic digester, etc.) or to a transfer facility or other intermediary that will transfer the food scraps to a recycler. The food scraps must not be delivered to a landfill or to a combustion facility. The designated food scraps generator is responsible for properly separating their organics.

#### WHERE TO TRANSPORT FOOD SCRAPS

DEC will publish a list of organics recyclers across the state that are interested in accepting food scraps from designated food scraps generators. [This list will be published on the DEC website](#).

If there is an organics recycler within 25 miles of a designated food scraps generator, the law requires that the food scraps must be recycled, but not that they have to be recycled at an organics recycling facility within 25 miles.

For More Information:

<https://www.dec.ny.gov/chemical/114499.html>

Submit questions to:

[FoodScrapsLaw@dec.ny.gov](mailto:FoodScrapsLaw@dec.ny.gov)



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# What role can local entities play?

- General education of wasted food reduction and home composting
- Development of food scraps recycling programs (e.g. compost facility, food scraps drop-off program)
- Expansion of yard waste composting facilities to accept food scraps
- Build resource hub highlighting food scraps recycling opportunities in community, available workshops, food scraps haulers, etc.
- Facilitate conversations between stakeholders
- DEC Webpage: [Organics Management for Municipalities](#)



# DEC Funding

## Upcoming DEC Funding

- \$2 million Municipal Wasted Food & Food Scraps Recycling Projects
- \$500,000 Feeding NYS: Donation Technical Assistance for Businesses under law

## Annual DEC Funding Sources

- [MWRRR Grants for Recycling Coordination and Education Projects](#) (applications accepted Aug – Oct annually)
- [MWRRR Grants for Wasted Reduction/Prevention Projects](#) (rolling basis)
- [Climate Smart Communities](#)

# Other Available Funding

## NYSP21 Food Waste Reduction & Diversion Reimbursement Program

- Available to NYS businesses or not-for-profits that produce, haul, or recycle greater than one ton of food waste per week

## NYSP21 Community Grants Program – *not currently open*

- Annual grant program for community organizations and local government agencies based and operating in New York State.



# Preparing for 2022: Timeline

- **June 1:** DEC publishes list of covered entities & other resources
- **June 22, 2021:** Webinar: Your Business is Required to Comply, Now What? – *registration opening soon*
- **July 2021:** Webinar: Building Food Scraps Recycling Capacity – *registration opening soon*
- **October 2021:** Two Part Webinar Series for Designated Food Scraps Generators
  - How to Set up a Food Donation Program
  - How to Set up a Food Scraps Recycling Program
- **October 1, 2021:** Waiver Due Date for 2022
- **January 1, 2022:** Effective Date of Law



# Join us in Riding the Organics Wave into the Future

- [NYS Food Donation & Food Scraps Recycling law](#)
- Revising NYS Solid Waste Management Plan
- [Climate Leadership and Community Protection Act](#)
  - Recommendations from Waste Advisory Panel



# Stay Connected

- [NYS Food Donation & Food Scraps Recycling law webpage](#)  
updated regularly
- [Sign up to receive announcements on the NYS Food Donation & Food Scraps Recycling law](#)
- DECDelivers: [Solid Waste and Recycling Newsletter](#)





# Join the Larger Conversation

[NYS Association for Reduction, Reuse & Recycling \(NYSAR3\)](#)

- Organics Council
- [NYS Organics Summit](#)

[United States Composting Council \(USCC\)](#)

- [USCC Young Professionals Group](#)
- [USCC Annual Compost Conference](#)

[CREF Compost Operations Training Course](#)

[BioCycle Connect](#)

DECDelivers: [Solid Waste and Recycling Newsletter](#)







# Contact Us!

For questions on the Food Donation & Food Scraps Recycling law email:

[FoodScrapsLaw@dec.ny.gov](mailto:FoodScrapsLaw@dec.ny.gov)

For other questions about organics management in NYS, please email:

[organicrecycling@dec.ny.gov](mailto:organicrecycling@dec.ny.gov)

Learn more about Organics Management in NYS:

<https://www.dec.ny.gov/chemical/8798.html>



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