



**Department of  
Environmental  
Conservation**



# **NYSDEC Efforts to Reduce Waste, Increase Food Donation & Increase Food Scraps Recycling**

Sally Rowland, Ph.D., P.E.

Organics Reduction and Recycling Section, Division of Materials Management

**May 19, 2020**

**NYSAR3 Organics Summit 2020 Webinar Series**

# Supporting the Organics Industry in NYS

**STRAWBERRIES =  
THRIVING INDUSTRY**

**Soil = Outreach  
& Education**

**Seed =  
Regulations**



**Watering Can =  
Food Donation  
& Food Scraps  
Recycling Law**

**Fertilizer =  
Funding**

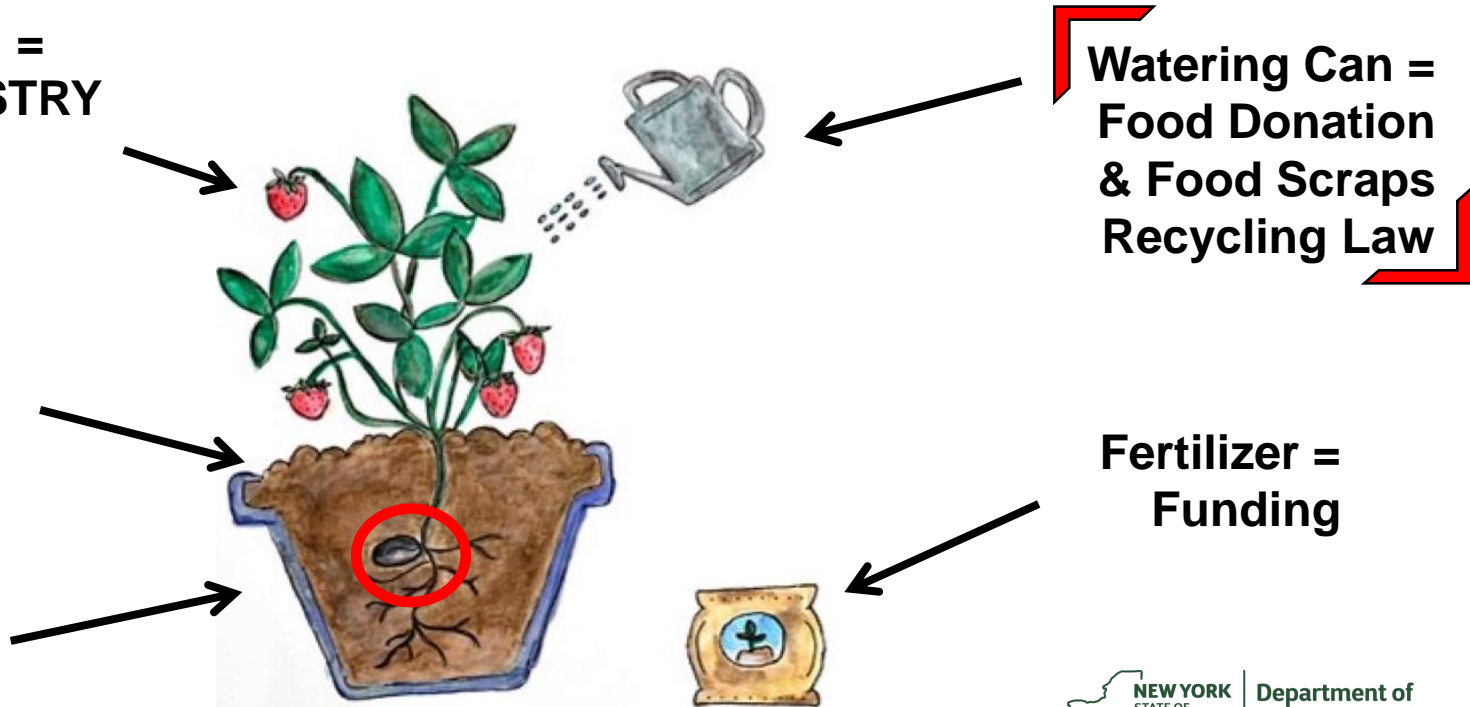


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# Food Donation and Food Scraps Recycling Law

[Title 22 Food Donation and Food Scraps Recycling](#)

NYSDEC Webpage on the Law:

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

Effective January 1, 2022, large generators of food scraps (defined as generating an **annual average of two tons per week** or more) must **donate excess edible food** and **recycle all remaining food scraps if they are within 25 miles of an organics recycler** (composting facility, anaerobic digester, etc.).



# What is a Designated Food Scraps Generator?

- Generates  $\geq 2$  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 school
- New York City
- Generators serviced by a mixed waste recycler (Delaware County)



# 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
Postsecondary Schools (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



# Other Definitions

**Food scraps:** inedible food, food contaminated papers, and edible food that is not donated. Excludes residential sources and recalled or seized food.

**Organics recycler:** rendering, animal feed producers, composting, digestion, fermentation, etc. Resultant material must be beneficially used.

**Single location:** contiguous property under common ownership.



# Designated Food Scraps Generator (DFSG) Responsibilities

Effective Date: January 1, 2022

ALL DFSG must separate excess food for donation.

DFSG within 25 miles of a viable recycler must...

- Separate remaining excess food and food scraps for recycling
- Store properly on-site and train workers
- Obtain an appropriate transporter, self-haul, or recycle on-site
- Submit wavier and/or annual report to DEC
- Note: Do not have to use the recycler within 25 miles





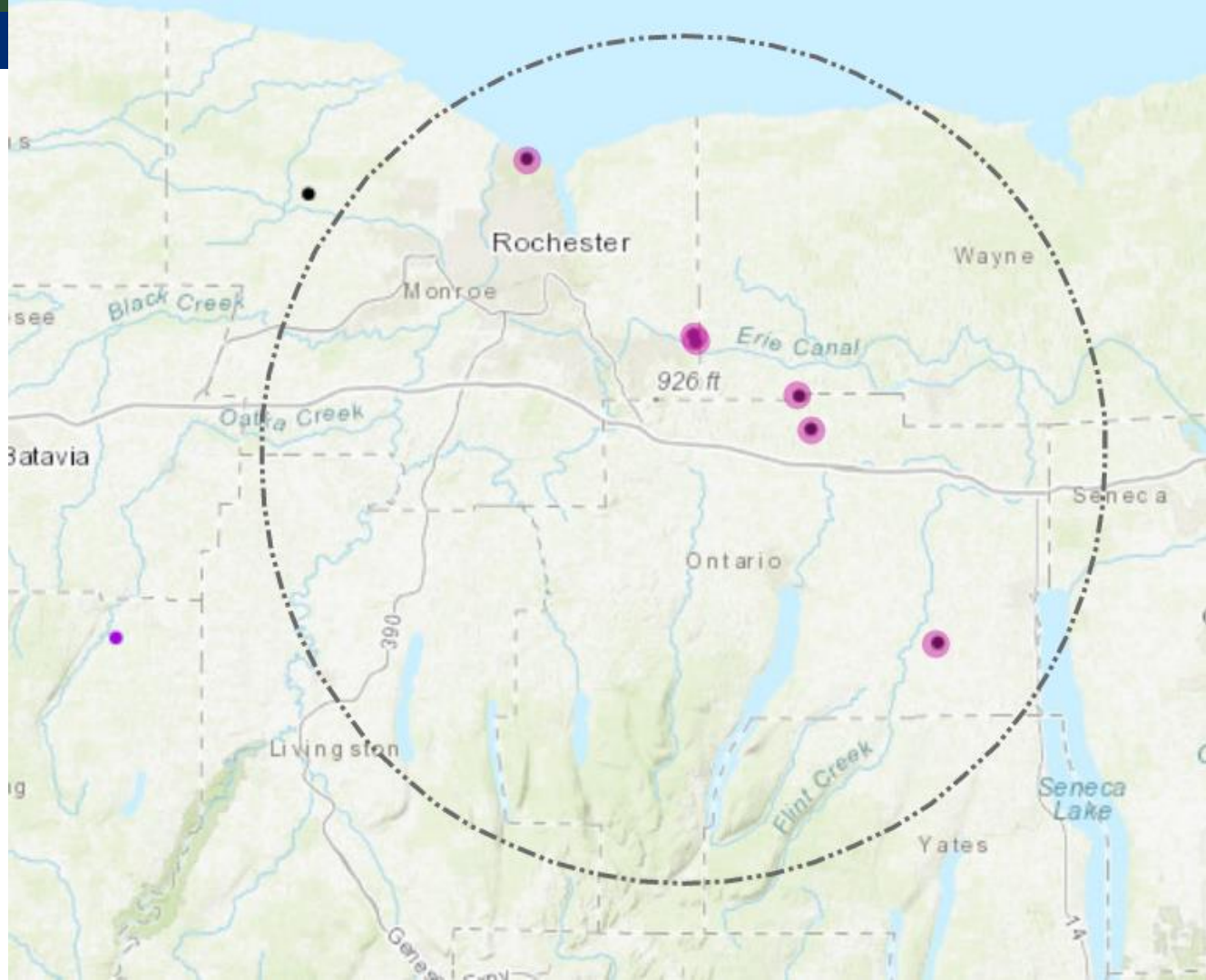
# How do DFSG know if they are required to recycle?

- ❑ DFSG within 25 miles of an organics recycler
  - ❑ Defined "as the crow flies", not driving miles
- ❑ Organics recycler has capacity for all of generators food scraps

If both criteria are met, then DFSG must recycle food scraps, BUT can use any organics recycler of their choice

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

[NYSP2I Organics Resource  
Locator](#)



# Annual Reporting & Waiver Process for Designated Food Scraps Generators

**Annual Report:** Required to submit to DEC – amount donated and recycled, transporter and recycler used, etc.

## Temporary Waiver

- Prove undue hardship
- No longer than 1 year in duration, can be renewed
- Submit June – September 2021: initial waiver submission period



# Stakeholder Meeting Series

- Transporters (10/2019)
- Organics Recyclers & Municipalities (11/2019)
- Food Donation (1/2020)
- Environmental Groups (2/2020)
- Food Retail & Food Service Industry (TBD)



# Stakeholder Meeting Series: Takeaways

- Increase capacity for hauling and recycling food scraps
- Funding for organics recycling businesses (private & public)
- Outreach materials – ability to co-brand and distribute
- Food Donation
  - Collaboration between food banks and local food relief organizations is key
  - Logistics of moving prepared foods & smaller amounts of food
  - Addressing liability & food safety concerns
  - Food donation workgroup



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# Regulations

Part 350 – To implement the Food Donation and Food Scraps Recycling Law

- Under internal review

## Key issues needing clarification

- On-site systems
- Waiver details

Part 361 – Organics Recycling Facilities

- 361-2: Land Applications
- 361-3: Organics Recycling Facilities (Composting, AD, etc.)



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# Outreach and Education

- Guidance documents
- Webinars and professional development trainings
- [Receive Law Announcements](#)
- [Organics Management for Businesses](#) – DEC Webpage
- DEC Delivers: [Solid Waste and Recycling Newsletter](#)
- Social media
- Educational events
- K-12 school education



## Solid Waste & Recycling Newsletter

### New York State Compost Awareness Week

Join us in celebrating New York State Compost Awareness Week, May 3rd - May 9th, as we recognize the importance of compost, how to make it and how to use it! This year's theme is "Soil Loves Compost". Adding compost to soil adds valuable nutrients, improves soil structure, and supports plant health. It's no wonder soil loves compost! [Learn more about how you can celebrate NYS Compost Awareness Week.](#)

[Try your hand at composting this year!](#) Making compost takes some care; Add greens, browns, water and air. Turn your yard trimmings and food scraps into rich compost your plants will love all in your own backyard. The beauty of composting is there's no one way to do it. There is a home composting system for everyone, whether you have the space outside or

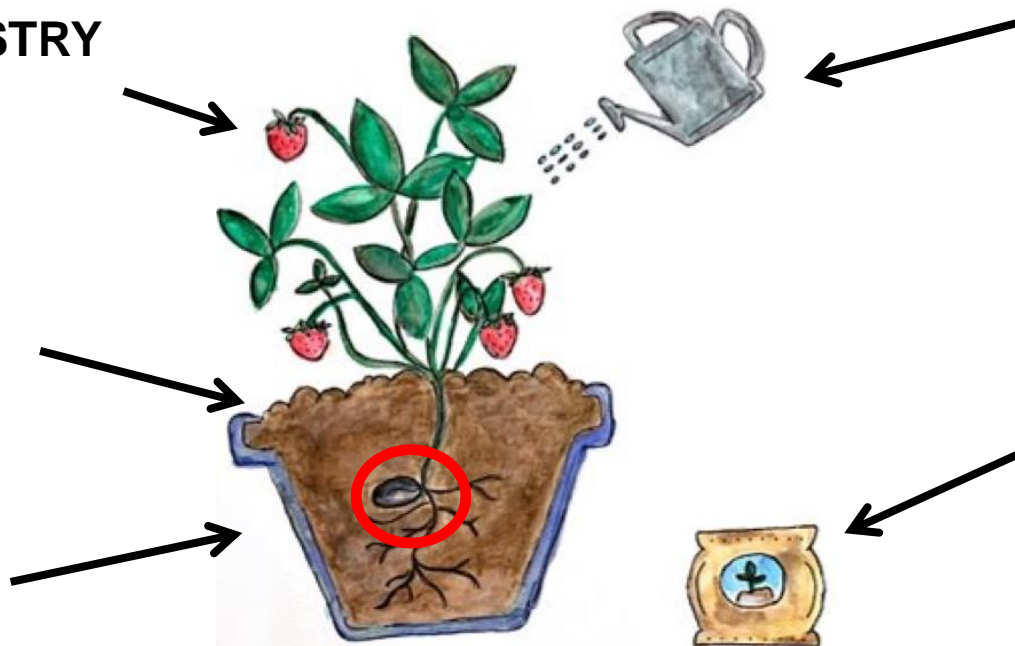


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# Funding

	Amount
27 Municipalities	\$3.3 million
84 Emergency Food Relief Orgs	\$1.1 million
10 Regional Food Banks, through Feeding NYS	\$800,000
MWRR Organics Recycling	\$1.2 million
Food Bank of Central New York	\$75,000



[Full list of EFRO Awards](#)

[Full list of Muni Awards](#)



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Conservation

# Backyard Composting Guide



## Municipal Food Scraps Reduction, Food Donation and Food Scraps Recycling Grant Program

**Goal:** assist municipalities in

- creating and expanding programs to reduce wasted food
- donate wholesome food
- recycle food scraps (composting, anaerobic digestion, etc.)

# Funding to Municipalities

- **Town of Ossining** – Establishing a pilot curbside food scraps recycling program in the Town of Ossining through a partnership with Teatown Lake Reservation
- **City of Cortland** – Creating Cortland’s first local food rescue system and volunteer network
  - Producing value-added products such as sauces or salsas which have been processed from “past prime” produce donations
- **City of Geneva** – Constructing one covered and sealed pre-composting zone, and three large-scale engineered vermicomposting trenches



# Funding to Emergency Food Relief Organizations (EFRO)

**Goal:** support food pantries and other EFROs

- providing funding to increase the availability of wholesome food to those in need
- increasing infrastructure in the emergency food relief organizations network





# Funding to Emergency Food Relief Organizations

- **The Fortune Society, Inc.** – establishing a composting system & establish relationships with local restaurants to increase food donation
- **The New York Common Pantry** – hired a Rescue Associate to assist with handling and tracking of increased food donations
- **Catholic Charities of the Diocese of Albany (Herkimer County)** – installed refrigerated food storage units to increase the amount of perishable food items that can be donated



# EFRO Projects





# Preparing for 2022: Funding

## Current Available Funding:

- [DEC MWRR Grant Program](#)
  - [Grants for recycling capital projects \(equipment & facilities\)](#) – waiting list
  - [Grants for recycling coordination & education projects](#) – annual
- [USDA Community Compost & Food Waste Reduction](#) – closes June 26
- [US EPA Anaerobic Digestion Funding Opportunity](#) – closes July 14
- [NYSP2I Food Waste Reduction & Diversion Reimbursement Program](#) – recently expanded to include food scraps haulers and recyclers. Announcement coming soon!

## Upcoming Proposed DEC Funding

- \$500,000 Municipal Wasted Food & Food Scraps Grant Program
- \$1.5 million Feeding New York State



# Preparing for 2022: Timeline

- **Winter 2020:** Regulations anticipated for public comment
- **September 16, 2020:** Webinar on NYS Food Donation & Food Scraps Recycling Law Updates
- **June 2021:** Notify DFSG if they are regulated under the law
- **June – September 2021:** DFSG can submit waiver
- **January 1, 2022:** Effective Date of Law





# 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)

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

Learn more:

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



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