NYS FOOD DONATION AND FOOD SCRAPS RECYCLING LAW

LEGISLATIVE GUIDANCE

Approximately 40% of the food produced in the United States goes uneaten. Meanwhile an estimated 2.8 million New Yorkers are food insecure. Simultaneously, excess edible food and food scraps see the end of their life at a landfill, where their decomposition produces methane, a potent greenhouse gas. NYS has taken a stand to make the most of our food by mandating large generators of food scraps to redirect wholesome edible food to those in need and food scraps to organics recycling facilities where they will be recycled into a product beneficial to our environment.

WHEN IS IT EFFECTIVE?

January 1, 2022

WHO WILL THIS IMPACT?

Large generators of food scraps (more than 2 tons of wasted food and food scraps per week on average)

Examples: Restaurants, grocery stores, hotels & motels, colleges & universities, malls, event centers, etc

WHAT ARE THE REQUIREMENTS?

Large generators of food scraps must:

- Separate and donate edible food
- Separate and recycle all remaining food scraps if within 25 miles of an organics recycler

WHO IS EXCLUDED?

- Hospitals, nursing homes, adult care facilities, K-12 schools
- Food scraps generators located in a city with a population of one million or more which has a local law, ordinance or regulation in place which requires the diversion of edible food and food scraps from disposal. Read more on NYC organics diversion legislation: https://www1.nyc.gov/assets/dsny/site/services/food-scrap-and-yard-waste-page/commercial-requirements
- Large generators of food scraps may petition the Department for a one-year waiver due to undue hardship

For More Information:
https://www.dec.ny.gov/chemical/114499.html

Submit questions to:
FoodScrapsLaw@dec.ny.gov
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ANTICIPATED IMPLEMENTATION TIMELINE

APRIL 2019
FOOD DONATION AND FOOD SCRAPS RECYCLING LAW PASSED
For more information, visit https://www.dec.ny.gov/chemical/114499.html

SEPTEMBER 2020
WEBINAR ON NYS FOOD DONATION & FOOD SCRAPS RECYCLING LAW UPDATES

SUMMER/FALL 2021
REGULATIONS PROMULGATED
Part 350 regulations promulgated, outlining criteria for implementing the law

JUNE 1, 2021 - SEPTEMBER 1, 2021
INITIAL WAIVER SUBMISSION PERIOD
Designated food scraps generators can submit a waiver from part or all of the requirements of the law

OCTOBER 2019 - FEBRUARY 2020
INITIAL STAKEHOLDER MEETING TIMEFRAME
Meetings held with various stakeholder groups, including: haulers, organics recyclers, municipalities, food recovery, and environmental advocacy organizations

SPRING/SUMMER 2021
DRAFT REGULATIONS RELEASED FOR PUBLIC COMMENT PERIOD
Sign up to receive announcements pertaining to the law and draft regulations at https://www.dec.ny.gov/chemical/114499.html

JUNE 1, 2021
LARGE GENERATORS NOTIFIED OF DESIGNATION
All designated food scraps generators will be required to donate and some will also be required to recycle their food scraps, based on the requirements set forth in the law

JANUARY 1, 2022
EFFECTIVE DATE OF THE LAW