

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-scraps-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



**Department of
Environmental
Conservation**

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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



Department of
Environmental
Conservation

Rev.9/2020