



**Department of
Environmental
Conservation**



NYS Food Donation & Food Scraps Recycling Law Proposed Part 350 Regulations

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Webinar Logistics

- All attendees are muted
- Submit questions to the chat box
- To submit comment(s) to public record – email FoodScrapsLaw@dec.ny.gov
- April 7 (1pm and 6pm): Part 350 Virtual Hearings ([register](#))
- Slideshow will be posted on law webpage
- Recording of webinar will not be shared



Food Donation and Food Scraps Recycling Law (ECL Article 27 Title 22)

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.).

Exact language of the law: [Title 22 Food Donation and Food Scraps Recycling](#)

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

[Link to the proposed Part 350 Regulations](#)



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Department Responsibilities

- Publish on the DEC website:
 - the methodology to determine designated food scraps generators;
 - the waiver process;
 - procedures to minimize odors and vectors;
 - lists of all generators, recyclers, and transporters.
- Each year: assess the capacity of organics recyclers and notify designated generators if they must comply with the Law.
- Develop educational materials for generators and municipalities.
- **Promulgate regulations to implement the law.**



Proposed Part 350 Regulations

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

Subpart 350-1: General

- Purpose and applicability
- Exemptions
- Prohibitions
- Definitions
- Inspection
- Severability



What is a Designated Food Scraps Generator?

- Generates ≥ 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/Exemptions:

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



Important Definitions

Food scraps: means inedible food, trimmings from the preparation of food, food-soiled paper, edible food that is not donated, and food processing waste. Food scraps does not include used cooking oil, yellow grease, or any food which is subject to a recall or seizure due to the presence of pathogens.



Organics recycler: means a facility that recycles food scraps through use as animal feed or a feed ingredient, rendering, land application, composting, aerobic digestion, anaerobic digestion, fermentation, ethanol production, other processes approved by the department.

Capacity: means the amount of food scraps that an organics recycler is able to receive based on available space, permitting limitations, and the facility's desire and ability to manage the waste.



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Important Definitions

Single location: means contiguous property under common ownership, which may include one or more buildings.

Maximum extent practicable: means the degree to which the maximum amount of edible food can be donated for human consumption, without jeopardizing human health and the environment, by implementing best management practices, taking into account cost-effectiveness and feasibility.



Subpart 350-2: Designated Food Scraps Generators

- Food Scraps Generation Calculations
- List of Designated Food Scraps Generators
- Separation of Edible Food for Donation
- Separation of Food Scraps for Recycling
- Annual Reporting
- Temporary Waiver Criteria



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 waiver and/or annual report to DEC
- Note: Do not have to use the recycler within 25 miles



Food Scraps Generator Annual Reporting

- Required to submit annual report to DEC – amount donated and recycled, transporter and recycler used, etc.
- Due March 1, 2023 and annually thereafter
- Form posted to DEC website by June 1, 2021



Food Scraps Generator Waiver Process

Temporary Waiver

- Prove undue hardship
- No longer than 1 year in duration, can be renewed
- Submit by November 1 for following year
- Form posted to DEC website June 1, 2021



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



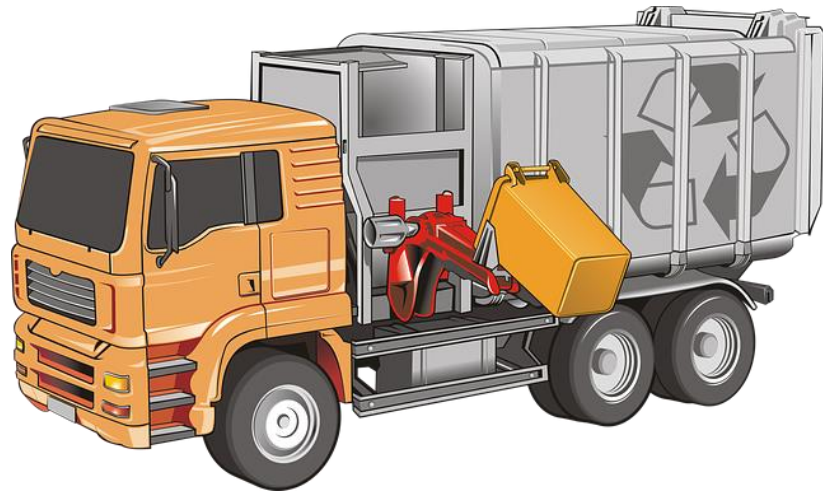
Subpart 350-3: Generators, Organics Recyclers, and Transporters Lists



The Department will maintain these lists and make updated lists available on or before June 1 each year, beginning in 2021.

Subpart 350-4: Transporter and Solid Waste Management Facility Responsibilities

- Waste Transporters
- Organics Recyclers
- Transfer Facilities and Other Intermediaries
- Landfills and Combustion Facilities



Transporter Requirements

Any food scraps transporter must:

- deliver the food scraps to a recycler or intermediary that will send to a recycler
- not deliver food scraps to combustion facility or landfill



Transfer Station / Intermediary

Must:

- Ensure food scraps are taken to an organics recycler



Food Scraps Disposal Prohibition



Solid waste combustion facilities and landfills **CAN NOT** accept *source-separated excess food and food scraps from designated generators.*

Organics Recyclers

Material from designated food scraps generators *must be beneficially used.*

(Note: Mixed waste stream facilities must recycle proportion of material derived from food scraps.)

No additional Annual Reporting requirements for recyclers, transporters, and solid waste management facilities.



Must provide available capacity to DEC to be on the list!



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Preparing for 2022: Timeline

- Now – April 27, 2021: [Proposed Part 350 public comment period](#)
- April 7 (1pm and 6pm): Part 350 Virtual Hearings ([register](#))
- May 12, 2021: Webinar: Update on Implementation of Law – What's Coming June 2021? – *registration opening soon*
- June 1: DEC publishes list of covered entities & other resources
- November 1: Waiver Due Date for 2022
- June 22, 2021: Webinar: Your Business is Require to Comply, Now What? – *registration opening soon*
- January 1, 2022: Effective Date of Law



Preparing for 2022:

DEC will publish the following to its [website](#) June 1st, 2021

- Methodology used to determine covered generators
- List of generators required to donate
- List of generators required to donate and recycle
- Best management practices for generators to comply with law
- Waiver Form for generators
- Annual Report Form for generators
- List of food scraps recyclers
- List of food scraps transporters



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](#)





Contact Us!

Submit comments on Proposed Part 350:
FoodScrapsLaw@dec.ny.gov

For questions on the Food Donation & Food Scraps
Recycling law email:
FoodScrapsLaw@dec.ny.gov

For other questions about organics management in
NYS, please email:
organicrecycling@dec.ny.gov

Learn more about Organics Management in NYS:
<https://www.dec.ny.gov/chemical/8798.html>



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