

FOOD SCRAPS LAW IMPACT ON FARMS AND PROCESSORS

Food Waste Generator – do you qualify for the law?

May 2021

Introduction

Effective January 1st, 2022 New York State will implement new legislative guidance on food waste recycling – The Food Donation and Food Scrap Recycling Law. (See Generator options Fact sheet for the ways to reduce the amount of food waste)

Under this law, businesses identified as Designated Food Scraps Generators (DFSG) will be required to:

- 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 a waiver and/or annual report to DEC

Businesses that qualify are those that produce more than two tons of food waste per week on average and are within a 25-mile radius of an organic's recycler. This fact sheet will help with understanding which New York businesses qualify and what requirements must be met if a business qualifies.

Amount of Food Waste Produced

Businesses that generate an annual average of two tons of wasted food per week or more at a single location qualify for the law.

Type of Institution

Under the NYS food recycling law, large generators of food scraps must begin compliance at the start of 2022 unless a waiver has been submitted. Types of institutions that qualify are restaurants, grocery stores, hotels and motels, colleges and universities, malls, and event centers.

There are categories of businesses that are excluded from the law, and these include:

- Any business in New York City, which already has a local law which requires more precise management of food waste

- Hospitals
- Nursing Homes
- Adult Care Facilities
- K-12 Schools
- Generators serviced by a mixed waste recycler

Distance from Organics Recycling

Food waste generators will be required to participate in organics recycling if they are within 25-miles of an organic's recycler. 25-miles is defined "as the crow flies" or a 25-mile radius on a map, not driving miles. The organics recycler within the radius defined must also have the capacity for all the food waste generators food scraps.

Calculating If your Waste Streams Qualify

Table 1 contains estimated average factors to help food waste producers calculate the amount of food waste produced per week². Take either generation factor (lbs./meal or lbs./unit/week) that applies to the business in question and multiply by the best estimate that can be made of the chosen unit. For example, a limited-service restaurant can multiply their 5 employees by the generation factor lb./employee/week for a result of 211.55 lbs. or the approximately 500 meals produced in a week to get 250 lbs. of waste.

Further resources for calculating food waste generation streams:

- DEC published list of identified businesses that qualify (June 2021)
- P2I calculator:
<https://www.rit.edu/affiliate/nvsp2i/food-waste-estimator>

Annual Requirements

If a business qualifies for the law, food waste generators must submit annual reports to the DEC outlining the amount of food scraps donated and

recycled, the transporter used, and the recycler used which will be due annually on March 1st beginning in the year 2023.

Moving toward sustainability

There are many benefits that can be made of recycling food waste. One being the challenge of

demonstrating sustainability to their customers and stockholders. Recycling food waste not only reduces landfill space consumed but contributes to GHG reduction, may produce renewable energy, and recycles valuable nutrients.

Table 1. Estimated average factors to help calculate weekly wood waste produced². Business types with a * do not qualify for the law beginning January 2022.

	LBS./PERSON/WEEK	LBS./MEAL
RESIDENTIAL COLLEGES AND UNIVERSITIES	2.72	0.35
NON-RESIDENTIAL COLLEGES AND UNIVERSITIES	0.72	0.35
CORPORATE CAFETERIAS	NA	0.625
COUNTY JAILS AND OTHER INSTITUTIONS	7.00	
NURSING HOMES *	12.6	
NYS CORRECTIONAL FACILITIES	4.5	
HOSPITALS *	23.94	0.47
ELEMENTARY SCHOOLS *	1.13	0.43
MIDDLE SCHOOLS *	0.73	0.43
HIGH SCHOOLS *	0.35	0.43
	LBS./EMPLOYEE/WEEK	LBS./MEAL
GROCERY, SPECIALTY FOODS, AND CONVENIENCE STORES	57.69	
LODGING AND HOTELS	38.13	6.63
RESIDENTIAL HOUSEHOLDS	6.55	
RESTAURANTS – FULL SERVICE	57.69	1.00
RESTAURANTS – LIMITED SERVICE	42.31	0.50
FOOD WHOLESALE AND DISTRIBUTION	430	
SUPERCENTERS	19.23	
VENUES AND EVENTS	4.2	1.00

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References

^[1] NYS Environmental Conservation. “Food Donation and Food Scraps Recycling.” New York Consolidated Laws, Environmental Conservation Law - ENV Title 22 | NY State Senate, www.nysenate.gov/legislation/laws/ENV/A27T22.

^[2] NYS Pollution Prevention Institute RIT. “Food Waste Estimator.” RIT, July 2020, www.rit.edu/affiliate/nysp2i/food-waste-estimator.