

New York State Food Donation and Food Scraps Recycling Law

Summary of the 2023 Report to the Governor and Legislature



Food Donation and Food Scraps Recycling Law: What is it & Who It Applies To

Approximately 40% of the food produced in the United States goes uneaten, meanwhile in New York State alone it is estimated that there are 2.5 million people who are food insecure. In addition to the social implications of wasting food, excess food and food scraps that end up in landfills decompose and produce methane, a potent greenhouse gas.

Effective January 1, 2022, the Food Donation and Food Scraps Recycling law requires large generators of food scraps (defined as generating an annual average of two tons per week or more) must:

- a) Donate excess edible food; and
- b) Recycle all remaining food scraps when located within 25 miles of a viable organics recycler (composting facility, anaerobic digester, etc).

Examples of designated food scraps generators (DFSGs), who generate more than two tons per week, may include grocery stores, full-service restaurants, supercenters, hotels, colleges & universities, and malls

Excluded generators currently include hospitals, nursing homes, adult care facilities, K-12 schools and generators located in NYC (already adopted an applicable local law)

The Law also includes requirements for transporters, transfer facilities, combustion facilities, and landfills to ensure separated food scraps arrive at recycling facilities and to prohibit disposal of source separated organics.

2023 Annual Report to the Governor and Legislature

Table 1. DFSGs identified for 2022

The NYS Department of Environmental Conservation (DEC) is required to provide an annual report to the Governor and Legislature under the Law. Included below are key highlights from the *2023 Report to the Governor and Legislature*, which includes information from DFSGs that were required to report to DEC about their food donation and food scraps recycling practices in 2022.

Key Highlights

- 874 generators were named to the 2022 DFSG list created by DEC. Of the 874, 634 generators submitted their required annual report (72.5%).
- 29 DFSGs were issued waivers by DEC, 90% citing cost barriers and 10% due to unique circumstances.
- Food donation by DFSGs increased by 60% from 2021 to 2022.
- Food scraps recycling by DFSGs increased by 529% from 2021 to 2022.

Sector	Number of Businesses	Required to Donate	Required to Recycle
Colleges and universities	61	61	25
Correctional facilities and jails	24	24	9
Hospitality	59	59	25
Full-service restaurants	190	190	54
Grocery and specialty food	334	334	138
Supercenters	76	76	33
Amusement and theme parks	7	7	0
Casinos and racetracks	9	9	0
Malls	31	31	0
Military bases	1	1	0
Sporting venues	3	3	0
Wholesale and distribution	79	79	0
TOTAL	874	874	284

Food Donation

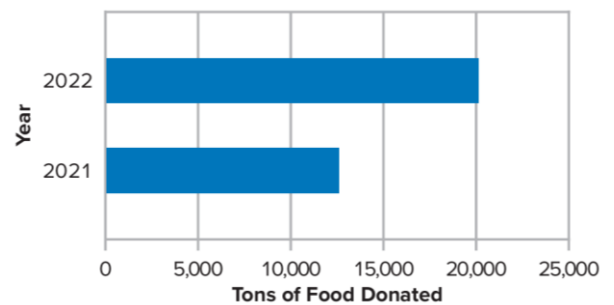
According to the United States Environmental Protection Agency (EPA), 70-90% of food wasted along the supply chain is still edible (EPA, 2021). Donating edible food is a critical aspect of tackling the problem with wasted food and helping to alleviate food insecurity.

Key Highlights

- A total of 20,147 tons of food was donated by 629 DFSGs in 2022, a 60% increase from 2021.
- The following sectors had above 50% of all DFSGs report donations: grocery and specialty stores (77%), supercenters (85%), and colleges and universities (55%).
- An increase in all food categories was reported from 2021-2022 with the largest increases reported with prepackaged foods, baked goods, and perishable foods including produce, prepared foods, meats, and eggs.
- 343 DFSGs noted major donation challenges with the most common challenges of staff and staff training and request for additional support connecting with a donation partner.



Figure 1. Increase in food donation by DFSGs



Food Scraps Recycling

In the first year under the law, 320 DFSGs were required to recycle their food scraps (28% of all DFSGs). Of the 320, 284 DFSGs reported recycling food scraps in 2022 with an additional 236 DFSGs reporting voluntarily recycling food scraps.

Key Highlights

- 266,468 tons of food scraps were recycled in 2022 compared to 42,357 reported in 2021 (529% increase). Grocery and specialty food stores saw the highest percent increase from 2021 to 2022 at 358%.
- 25 entities reported recycling food scraps onsite, with correctional facilities and colleges/universities accounting for 80% of the entities. Composting was the most popular method used, with 60% of the 25 entities reporting on-site composting.
- 243 DFSGs reported major recycling challenges with staff training, challenges with transport services and contamination issues among the top three most common challenges.

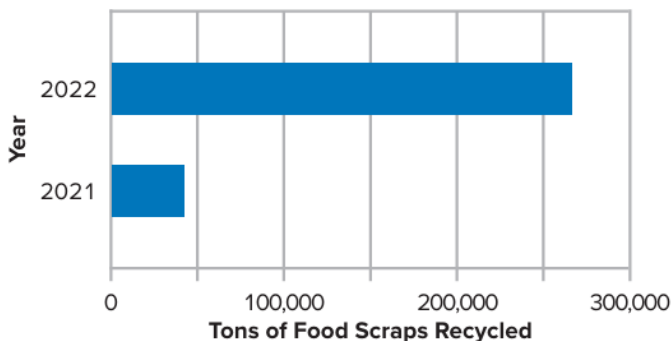


Figure 2. Increase in food scraps recycling from 2021 to 2022 by DFSGs.

Of the 266,468 tons of food scraps recycled in 2022, 16,879 tons of food scraps were recycled by DFSGs who were required to recycle under the Law.

249,589 tons of food scraps were recycled voluntarily by DFSGs in 2022.

Additional Efforts to Enhance Food Donation and Food Scraps Recycling in New York State

Funding Critical Partnerships

One of the keys to the successful implementation of the Law is DEC’s funding for critical partnerships with Center for EcoTechnology (CET), Feeding NYS and NYS Pollution Prevention Institute (NYSP2I).

CET

In 2022, CET began the administration of the Rethink Food Waste New York Program which has included:

- Assistance to businesses and institutions
- Hotline assistance
- Virtual and on-site assistance
- Compost site assistance and compost site workshops
- Industry and community engagement



Attendees at a compost operator training hosted by ReThink Food Waste NY and the Town of Bethlehem

Feeding NYS

The main objective of the Feeding NYS Food Recovery program is to provide technical assistance to businesses that are required under the Law to donate. Since 2021, Feeding NYS has acquired 6.2 million pounds of edible food donations. At the end of 2023, FeedingNYS had 156 active donors across the state.

Table 2. Pounds of food sourced by the Feeding NYS Food Recovery program

Calendar Year	Pounds of Food Sourced for Donation
2023	4,169,798
2022	1,946,264
2021	148,605
TOTAL	6,264,667

NYSP2I

The DEC and NYSP2I have collaborated to provide technical assistance and practical, cost-effective solutions to businesses, municipalities, and community organizations for diverting, preventing, and recycling wasted food. Some of the major accomplishments in 2023 include:

- Hosted the Keep it Fresh! NYSP2I Student Packaging Research Symposium
- Published a troubleshooting guide for food retail and service manager to help identify causes of bin contamination
- Updated the Organics Resource Locator tool to include K-12 schools
- Completed the Food Waste Reduction and Diversion Reimbursement Program in 2023 providing reimbursement to NYS businesses and not-for-profits for landfill avoidance solutions

Funding Opportunities for Emergency Food Relief Organizations and Municipalities

In addition to funding critical partnerships, the DEC has administered two direct grant opportunities to emergency food relief organizations and municipalities focused on organics reduction and recycling.

- To date, the DEC had awarded a total of \$2.85 million in funding to 131 emergency food relief organizations.
- To date, the DEC has awarded \$6.05 million in grant funding dedicated to organics management to 50 municipal projects. Funding for organics-management related projects has also been distributed through DEC’s Climate Smart Communities grant program and the MWRR program.



Grants provided by DEC helped the Village of Scarsdale expand their food scraps recycling program to include curbside collection.